

A
G U I D E
T O
CANDIDATES AND ELECTORS,
O N
Parliamentary Elections.

C - U - I - D - E

CANDIDATES AND ELECTORS

U - I - D - E

CANDIDATES AND ELECTORS

THE HOUSE OF COMMONS
IN PARLIAMENT ASSEMBLED
DO HEREBY ENACT
That the following
Persons shall be
qualified to be
Members of the
House of Commons
and to sit and vote
therein

SECTION 1

Every Person who shall be
qualified to be a Member
of the House of Commons
shall be entitled to sit and
vote therein

SECTION 2

SECTION 3

SECTION 4

518.4.8.
3 3

A
G U I D E
T O
CANDIDATES AND ELECTORS,
O N
Parliamentary Elections;

CONTAINING

I. AN EXTRACT FROM THE STATUTES AT
LARGE;

A N D

II. FROM THE RESOLUTIONS OF THE
COMMONS;

INCLUDING

The RIGHT of ELECTION for all the COUNTIES, CITIES,
TOWNS, and BOROUGHs, in ENGLAND, SCOTLAND,
and WALES; the MANNER and METHOD of Proceed-
ing in taking an ELECTION; the RETURN; CON-
TROVERTED ELECTIONS; FREEDOM of ELEC-
TIONS; BRIBERY and CORRUPTION, in respect of
KNIGHTS of the SHIRE, CITIZENS, BURGESSES,
and COMMISSIONERS for SCOTLAND.

A L S O A

PREFATORY INTRODUCTION,

TOUCHING THE

ORIGINAL CONSTITUTION of the HOUSES of LORDS
and COMMONS; the MODE of PARLIAMENTARY
BUSINESS; and PRIVILEGES of the MEMBERS.

W I T H

NOTES, REFERENCES, and OBSERVATIONS,

By a GENTLEMAN of the INNER-TEMPLE.

L O N D O N:

Printed for FIELDING and WALKER, No. 20,
Pater-noster-Row,

M D C C L X X I.

P R E F A T O R Y
I N T R O D U C T I O N .

IT is universally confessed, that the Right of Parliamentary Elections is the principal privilege, and most noble badge of the excellency, of the English Constitution; for the Ministers of the Executive Power are thereby prevented from employing such efficacious means of corruption, as might otherwise occasion a repeal of those laws, whereon public Liberty is founded; and this right also prevents the Representatives of the People conniving at a vicious Administration, and from being over-liberal of the produce of the labours of their constituents, whereby the Ministers of the Crown might make them suffer many evils that attend even the worst forms of government. Such is the blessing of this invaluable palladium of British Freedom, considered in a public point of view; and it is equally honourable to the elected, when viewed as a private promotion; a seat in the House of Commons being the only road to figure, fortune, and dignities in this country; for though it must be admitted, that several particular individuals have eminently distinguished themselves, who related

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guished themselves by their own intrinsic merit, in the Church, the Law, the State, the Army, and the Navy; yet it is observable, that their professional talents, however admired, never could alone raise them to the head of their respective vocations; but they were obliged to cultivate and practise the knowledge of parliamentary abilities and influence, in order to complete and satisfy the wishes of their ambition.

- A Summary Account of,
- I. THE METHOD AND MEANS OF PARLIAMENTARY ELECTION.
 - II. THE ORIGINAL CONSTITUTION OF BOTH HOUSES OF PARLIAMENT.
 - III. THE PRIVILEGES OF THE MEMBERS THEREOF.
 - IV. FEES ON PARLIAMENTARY PROCEEDINGS.

These seem no improper Introduction to the following Manual; as to,

- I. THE MANNER OF PARLIAMENTARY ELECTIONS.

The time for which the People committed the care of their public concerns, respecting the welfare of the nation, to their delegates, being now expired, they again assemble in the several cities, towns, boroughs, and counties, in order to re-elect those Representatives, whose former conduct they approve, and to reject the late Members, whose breach of public trust occasioned complaints, or who refused

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to redress their well-grounded grievances.

For this purpose, so soon as the King has signified his pleasure for calling a New Parliament, which he does by publishing his Royal Summons or Proclamation by the Clerk of the Crown in Chancery; the * Lord Chancellor issues out writs to the Returning Officer of every County, for the Election of the Members to serve for that County, and for every City and Borough therein. Within three days after receipt of this writ, the Returning Officer is to make out his precept to the proper Officer of the Cities and Boroughs, commanding them to elect their Members; and the said Returning Officers are to proceed to election within eight days from receipt of precept, giving four days notice of same, and to † return the elected together with the precept to the Sheriff.

The election of Knights of the Shire must be held by the Sheriffs ‡ themselves in person, at next County Court that shall happen after delivery of writ.

The Election being finished, the Returning Officer in Boroughs || returns his precept to the Sheriff, with the persons elected by the majority; and the Sheriff returns

* See Guide, &c. p. 12.

† See Guide, &c. 2, 30.

‡ See Guide, &c. p. 1.

|| See Guide, &c. p. 4.

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the indenture of Knights of * Shire, together with the Citizens and Burgeses, with the writ for the County, and the Knights elected thereupon, to Clerk of the Crown in *Chancery*, according to the command of the writ.

II. ORIGINAL CONSTITUTION OF BOTH HOUSES OF PARLIAMENT.

The *Parliament of Great-Britain* is vested with a legislative power, and makes two of the three estates of the realm. The design of parliaments is to keep up the constitution, support the honour of the crown, maintain the privileges of the people, raise subsidies, make laws, and redress grievances. Their sitting is appointed forty days after royal proclamation, with the advice of privy-council. Lord chancellor issues writs to the lords spiritual and temporal, to appear at the time and place appointed; and to the sheriffs, commanding them to summon the people to elect as many knights, citizens, and burgeses in their respective counties, as are to sit in the *house of commons*; a writ is also directed to the privy-council in *Scotland*, for electing 16 peers and 45 commons: when it happens that a burges is elected for two boroughs, he must declare to the house for which he will serve, that a writ may be issued out for a new election at the other place.

As the time, so is the place of the parliament's sitting appointed by the sovereign, though it is usually at *Westminster*, the lords in a large room, and the commons in a larger, with a communication between. At the opening of the session, the King goes to the house in his royal robes, the crown on his head, and the sword of state carried before him; his *Majesty* sits under a canopy on a throne, in a chair of state; the *temporal lords* are in their scarlet robes of state, and the *spiritual lords* in their episcopal habit; on the King's right hand there is a seat for the *Prince of Wales*, or his heir apparent, and on his left, another for a *second son*.

At the wall on the King's right hand, the two *Archbishops* by themselves; on a form underneath, the bishops

* See Guide, &c. p. 2.

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of London, Durham, and Winchester; all the other bishops according to priority of consecration. On the King's left hand, sit *lord Treasurer, lord President, and lord Privy seal*, above all dukes, except the royal blood. Then *Dukes, Marquisses and Earls*, according to creation.

Across the rooms are Woolfacks, and *lord Chancellor* as Speaker, sits on the first, with the great seal and mace before him; below are forms, first for the *Viscounts*, and then the *Barons* according to creation, except those who have precedence by virtue of their places.

The other Woolfacks, the *Judges, Master in Chancery, and King's Counsel*, sit upon, when call'd to give advice in point of law; the lowest Woolfack is for the clerk of the crown in chancery and king's bench, and clerk of the parliaments. Clerk of the crown in chancery bears the lord high steward's commission, and reads it on the trial of peers; and the clerk in king's bench reads indictment to, and arraigns such prisoners; and he also prepares all parliamentary writs and pardons. The last keeps the records of all things passed in parliament; this clerk has two clerks under him, who kneel behind the Woolfack, and write upon it.

When his Majesty is not at the house, the lords bow to the chair of state; and so should all do who enter the King's presence chamber.

When the *King* comes to *Parliament*, the usher of the black rod is commanded to call the house of commons to attend his Majesty immediately in the house of peers; he is the King's first gentleman usher, and carries a black rod in his hand; he sits without the bar of the house, and what peers or other persons the house thinks proper to commit for any trespass, are left to his custody; he has a deputy, a yeoman usher, that waits at the door within, and a crier without.

The *Commons* being come, stand without the bar, and the *King* commands them by the lord Chancellor, to chuse one of their members for their Speaker, and to present him in a day or two; sometimes this is done by the lord Chancellor only.

The *Commons* being returned to their house, chuse a Speaker, who ought to be a person of great experience and abilities, especially in parliamentary affairs; for the Speaker being the *first Commoner of the land*, is the mouth of the house, and so necessary, that the commons are

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properly *no house*, i. e. can do no business without him. The choice being made, 'tis a custom for the party to decline the office; but he is answered with a full consent upon his name, and two of the principal members lead him to the Speaker's chair; where being set, they return to their places.

At the day appointed for his presentation to the King, his Majesty being come, the Commons are called in. The *new Speaker* is introduced, urges his incapacity, and refuses his office; but the King not allowing it, he makes a speech to his Majesty, and generally concludes with these petitions, *That the Commons may during their sitting, have free access to his Majesty; That they may have freedom of speech in their house, and be free from arrests.* These requests being granted, the King makes a *speech* to both Houses of parliament, concerning such matters as he thinks fit to lay before them; then he leaves both houses to their private debates, and the Commons return to their own house, the mace being carried (as usual) before their Speaker.

His Majesty never comes to parliament after this, but to lay fresh important affairs before them; to give assent to the bills passed, or close the session: whenever he goes in state, there's a discharge of 21 guns, and the same at his return.

Of the proceedings of both houses in their debates, and passing of bills.

The first thing the *Commons* do after his Majesty's approbation of their *Speaker*, is to open the *sessions*, by reading a *bill* the first time, though it is seldom taken any farther notice of, and then they appoint the *grand Committees*, for *privileges and elections*, for *grievances*, *trade*, and *religion*.

The *standing Committees* being settled, a private one is generally appointed to draw up an *address of thanks* to the King for his most gracious speech, wherein they commonly express a cheerful disposition to concur with his Majesty in those things he has laid before them; the like is done in the house of lords.

As the chief business of parliament is to make new laws, revive or abrogate old ones; whatever is proposed for a law, is first put in writing, and called a *bill*. Any member may offer a bill for the public good, but he must first give reason for the admitting thereof, which is cal-

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led *making a motion*; upon which the house may either grant or deny it.

Subsidy bills for taxes, are not to be brought in, but by order of the house; and whereas all other bills may begin in either house, these also begin in the house of commons. The reason is, because the greatest part of the monies belong to the Commons.

If any member desire a law in force to be altered or repealed, he must first move the house, and give reasons for it; if the house allow the *motion*, he moves that the act be read, and then gives his reasons for the alterations he proposes to have made, or the act repealed: their usual way is to appoint some of the members to bring in a bill for that purpose.

Leave must also be given to bring in a private bill, and the substance made known either by *motion*, or *petition*. *Petitions* are usually presented by the members of the county or place the *petitioners* are of: if they concern private persons, they are to be subscribed, and the persons presenting them called to the bar, to avow the substance of the petition, especially if it be a complaint against an offender.

Every bill, before it passes into a law, must be read three times in each house, and then obtain the *royal assent*; for, as each house has the privilege of a negative voice, so the sovereign is free to confirm or reject the bill; however, a *bill of indemnity* from the throne is read but once in each house, they being to take it as the sovereign is pleased to give it.

The *Speaker*, and sometimes the *house*, directs the clerk what bill to read; which he does with an audible voice, and then delivers it to the *Speaker*, who rising from his chair, stands uncovered, and holding the bill in his hand, says, *This bill is thus entitled*, and reads the title; he then opens the substance of it, and declares, *that it is the first time of reading this bill*, and delivers it again to the clerk.

The speaking for or against a bill is commonly put off till the second reading, that the *members* may have time to consider of it; for it seldom happens that a bill is read twice in one day, except *bills of settlement*.

Bill of settlement, naturalization, &c. for any of the *royal family*, may pass through both houses the same day it is brought in.

On the *second reading*, which is in like manner as the first, debates arise, after which the house usually calls for

committing the bill, i. e. either for referring it to a *committee of the whole house*, or a *select committee*; the latter consists of several members, nominated by the house, with the time and place appointed for their meeting; whoever spoke against the bill must not be of the *Committee*, for we cannot be a proper person to help to prepare it; and when the *bill* has passed through the *Committee*, it is ordered to be *engrossed*.

If a bill begun in the *Commons* happens at first reading to be debated *pro and con*, the house calls for the question, which is, *Whether the bill shall be rejected*; and not, *Whether the bill shall be read the second time*, which is the usual way; but a bill coming from the *lords*, so much respect is shewn, that if it be spoke against on the first reading, and the *Speaker* pressed to put the question, he makes it first for the *second reading*; if that be deny'd, then for *rejection*; it being prudent to consider the bill, before it be put to such hazard.

If the *majority* be for rejecting, the *clerk* writes *rejected* in the journal, and indorses it so on the back of the bill; it can be read no more that session, unless materially altered both in body and title: if the *voice* be to have the bill retained, then it is read a second time.

Whoever *speaks* to a *bill*, is uncovered, and directs himself to the *Speaker*; if two arise to speak, the *Speaker* determines which shall give way: he that *speaks*, is to be heard out *uninterrupted*, unless the discourse be not to the purpose, in which case the *Speaker* may check him.

None to speak twice, unless by way of explanation, or when a *bill* is twice read; if what one says, be confuted by another, he must not reply the same day: if the *Speaker* does not, any member may speak to what is done contrary to order of the *house*. Whoever mentions the *orders* in a *debate*, must not speak to the matter itself; for if so, the *Speaker* or other member reprimands him.

The *Speaker* is not to argue *for* or *against*; he is to see *orders* observed, hear the arguments, and collect the substance; he has no voice but when the house is equally divided; then, the *casting vote*.

No member to mention the name of another in discourse, but to describe him by his title or addition; as, *that noble lord*, *that worthy knight*, or *gentleman*; or by his office, as *Mr. Serjeant*, *gentleman of the long robe*, &c. or by his place, as *the gentleman near the chair*, *near the bar*, or *the other side*; or *that gentleman who spoke last*, or *last but one*, and the like.

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No reflections are used, and though freedom of speech be a privilege of the house, yet what is spoken may be censured: if any speaks offensive words of the *sovereign*, he is called to the *bar*, and on his knees reprimanded by the *Speaker*; if the offence be great, he is sent to the *Tower*.

When a *bill* that has been committed is reported, the house commonly agrees to the report, in whole or in part; but when the matter is of importance, the *bill* is sometimes recommitted, and most usually to the same *Committee*.

A debate ended, the *Speaker* puts the question for *ingrossing*; if the majority be against it, the *bill* is thrown out; if for, 'tis *ingrossed*, and the *Speaker* offers it some days after to be read a *third* time for *passing*; and to prevent carrying of *bills* with few voices, no *bill* is put to the passing before twelve o'clock.

A *bill* at the *third* reading, is as at the *first* and *second*; when read, the *Speaker* tells the house, it is the *third* time, and with their favour, will put it to the *passing*; before he does it, he pauses, that the members may speak to it, if they please: it sometimes happens at the *third* reading, that it comes to a fresh debate; but 'tis rarely recommitted, except for some particular clause or proviso.

The debate over, the *Speaker* puts it to the *passing* thus; *As many as are of opinion that this bill should pass, say AYE*; and after the affirmative. *As many as are of the contrary opinion, say No*; upon which the *Speaker* declares his opinion, whether the *Ayes* or *Noes* have it; which stands as the judgment of the house, unless the case be doubtful; then a *motion* is made for dividing the house, and there is a rule which determines which shall go out, the *Ayes* or *Noes*; the *Speaker* nominates two *Ayes* and two *Noes*, to count the house, who each having a staff in his hand counts the members that remain sitting; then the *tellers* go to the door, and stand two of each side as in opposition, and count them who went forth, as they come in; while this is performing, no member is to speak, or go out of his place, except such as go out upon the division.

The house number'd the *four tellers*, who approach the table making *three solemn bows* to the *chair*, viz. the *first* at the *bar*, the *second* in the middle of the *floor*, and the *last* at the *table*, and then the two who are the *tellers* for the *majority*, report the number; which if equal, the *tellers* are mixed one and one, the *oldest* member or *baronet*, or *peer*, taking

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taking the right hand; upon which they all return to their places; and the *Speaker* reports. If it be carried in the affirmative, the clerk enters, *resolved*; if in the negative, thus, *The question being put, &c. it passed in the negative.*

If the *bill* passed be originally of the house of commons, the clerk writes within it, on the top next the right hand, *Soit baillé aux seigneurs*, i. e. *Let it be sent to the lords*; but if it begun in the lords house, he writes underneath the subscription of the lords, *A ce bill les communes ont assentez*; i. e. *To this bill the commons agree.*

The *bill* is carry'd to the lords by several members appointed by the house; and as they come to the bar with great respect, their lordships rise, and go forward to meet them; the title of the *bill* is read by the chief manager, and delivered to the lord chancellor.

When a *bill* is sent by the lords to the commons, they send no members, but *masters in chancery*; and are always introduced by the *serjeant at arms*, bowing thrice, and after reading the title, and desiring it may be taken into consideration, deliver it to the *Speaker*.

But in *messages* of importance, the lords send two judges to the house of Commons. If either house disagree upon a *bill*, a conference is demanded, which is held in the painted chamber, to which both houses send several managers to argue upon the matter; if they don't agree, a new conference is demanded; and if it proves ineffectual, the *bill* is lost.

They vote in the house of lords, by beginning at the lowest baron, and so upwards; each answering apart, *content*, or *not content*: if the voices are equal, the negative carries it; the *Speaker* having no vote, unless a peer of the realm.

In the house of Commons, 'tis usual, in the session, to call the house over: every member when called, stands up uncovered; the absent, if not excused, are entered, *deficient* (a defaulter), and sometimes sent for by the *serjeant at arms*; it is common for members to ask leave to be absent for some time, and it is readily granted.

When a full house is required, the *serjeant at arms* is sent to seek for members, at the court of requests, Westminster-hall, &c. and the members are obliged to attend the business upon seeing the *serjeant*, who has the mace carry'd across a messenger's arms behind him.

Upon the death of a member, a warrant issues to the

* See Guide, &c. 101.

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clerk of the crown for making a new writ, directed to the *sheriff* of the county where the deceased member served, in order to a new election.

RULES observed by COMMITTEES.

Upon the first meeting of a *committee* in the *committee-chamber*, they chuse a *chairman* among themselves.

The *committees* must not *raze*, *interline*, or *blot* the *bill*, but must mark *amendments* on a different paper, and the number of the *folio* where the amendment is made, naming particularly the place; the *breviate* annexed to the *bill*, must agree with it; every *amendment* is voted singly, and when all are settled, read, and put to the question, *whether the same shall be reported to the house*; before the question's put, any member of *committee* may move to add to those *amendments*, or mend any other part of the *bill*.

If the amendment pass, the *chairman* is to make the report: he first acquaints the house, that he has a report to make from the *committee*, to whom such a bill was committed; which being received by the house, the *chairman* standing in his place, reads each of the *amendments*, with the *coherence* in the *bill*; and gives the reasons of the *committee* for all such *amendments*; this done, he delivers the *bill* and *amendments* to the clerk; whereupon any member may speak against all or any of the *amendments*, and desire the *coherence* to be read, but must make all his objections at once.

Upon any great business, like a *money bill*, the house resolves itself into a grand committee, called a *committee of the whole house*; every member may speak as often as he thinks necessary, and answer others; the *Speaker* leaves the *chair*, and a *chairman* is chosen, who sits in the clerk's place, and writes the proceedings of the *committee*.

Business under consideration of this *committee* commonly requires several sittings; the *chairman* must ask leave to sit again: when the matter is debated, and it is thought fit to be resolv'd in the house, the *chairman* having gone through the *bill*, puts the question, *that the same be reported to the house*: if the question be carry'd in the affirmative, the *Speaker* is called to the *chair*, and the *chairman* reports what was resolved in the *committee*, whereupon the house proceeds as a *house*, not as a *committee*.

The *lords* have their *committees*, with this difference, that the *judges*, and others of the *long-robe*, are sometimes join'd to the *lords* of the *committee*, though they have no voice in the house: here they sit uncovered.

The *parliament* during the session, may address the king, either each house separately or jointly in the same address; they are presented at a time appointed by his Majesty, sometimes in a *body* with the *Speaker*, but commonly by deputed members from each house, such as are of his Majesty's *privy-council*, so the order of the house runs; and it is usually done by the *comptroller*, who reports to the house his Majesty's pleasure.

When bills are ready for *royal assent*, the king goes to the house in his robes, and the lords in their robes, and the commons are sent for; the *clerk of the crown in Chancery* reads the title of each bill; and as he reads, the *clerk of the parliament*, according to instruction, pronounces the *royal assent* in these words; if a public bill, the answer is, *le roy le veut*; if private, *soit fait comme il est désiré*; if a money-bill, *le roy remercie ses loyaux sujets, accepte leur benevolence, & aussi le veut*; if a bill of indemnity, the return is from the lords and commons to his Majesty in these words, *les prelates, seigneurs, & communes en ce parlement assemble, au nom tous vos autres sujets, remercient tres humblement votre Majesté, & prient Dieu vous donner en santé bonne vie & longue*; if a bill which the king dislikes, *le roy s'avisera*, the King will consider of it, which is a sort of civil denial: his Majesty, by commission to some Peers, may give his *royal assent* without his presence.

Each house has privilege to *adjourn* for some days, so the King may *adjourn* them; and all bills in both houses remain as they were, but may pass the next meeting: but it is otherwise with a *prorogation*, which makes a *session*; for all bills that have passed either or both houses, and had not the *royal assent*, are dropt, or to be obtained, must begin a new.

Lastly, it is said, the *parliament* is dissolved when the house of commons is discharged in order to a new *election*.

Dissolution and *calling* of *parliament* are commonly by proclamation.

Upon the king's demise, if a *parliament* is sitting, or in being, it is dissolved of course, he being the head of the *parliament*. To prevent confusions on that account, an act passed in the 4th of queen Anne; by which the *parliament* then sitting or being, shall in that case continue for six months, unless sooner prorogued or dissolved by the next heir to the crown in succession.—But, if there is no *parliament* in being, then the last preceding *parliament* shall immediately meet, sit and act, to all intents and purposes, as if the said

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parliament had never been dissolved. The privy council, and all officers civil and military, shall continue six months; it is *high treason* in the privy council, not to proclaim the next successor immediately; the benefit of this act appeared upon the death of *Queen Anne*.

Formerly the *sheriff* proclaimed the *acts* passed in a session, that none might pretend ignorance; but that custom has been laid aside, since printing came in use.

III. PRIVILEGE OF THE MEMBERS.

Every Candidate, immediately upon his being declared duly elected, enjoys the privilege of franking, and all Candidates upon double return, till the legality of them is determined by the House of Commons.

The Peers have same privilege of franking, as soon as any Member is declared duly elected.

Of the Privileges and Power of the Parliament.

There are three things in *England*, said a great Lawyer, (Lord Coke) the bounds of which are unknown; the prerogative, the people's liberties, and the privileges of Parliament. As for the last, the *house of Lords* are undoubtedly the hereditary councillors of the crown, and have a judicial power lodged in them by the constitution. They are the supreme court of judicature, and from them there lies no appeal.

One of the principal ends of parliament being to defend the *rights* of the *people*, and redress grievances, the chief care therefore lies in the *house of Commons*; which is the grand inquest of the realm, summoned from all parts to examine and rectify public disorders, and to prevent public delinquents; such as evil counsellors, judges, and magistrates. Parliaments are a check therefore to dangerous designs, as before observed.

When the parliament sit, the *commons* impeach, the *lords* are judges. The *commons* inform, present and manage the evidence; and the *lords*

¶ See Guide, &c. p. 11.

after

after trial give judgment. The *commons* have a privilege to impeach the highest peer in the kingdom; but the lords cannot proceed against a commoner, except on a complaint from the commons.

In a case of *misdemeanour*, the *lords spiritual and temporal* are judges; if the crime be *capital*, the *bishops* absent themselves during trial. For by an ordinance made at *Westminster* in *Henry II's* reign, all clergymen are forbid *agitare judicium sanguinis*, to meddle in any causes where life is at stake, on pain of being deprived of order and dignity.

Members are free from arrests, &c. for treason or felony, during the session, and forty days before and after; but this privilege does not extend to their servants; and ceases, after prorogation and dissolution, till the prorogued parliament be re-assembled, or a new parliament meet. It ceases upon adjournment of the house for above 14 days 'till they meet again. Even during the sitting of parliament, the plaintiff is at liberty to proceed to judgment and execution. No action for debt due to the crown shall be impeached, stayed or delayed, under pretence of privilege of parliament. But the person of the debtor, whether commoner or peer of the realm, shall be free from arrest or imprisonment, during the continuance of the privilege of parliament.

The *lords spiritual and temporal* may appoint *proxies* to vote in their stead; but must enter them in person at the beginning of parliament.

During the session, all the members of the *house of commons* are free from serving on juries; or attending trials in inferior courts of judicature.

The *parliament*, with *royal assent*, can do any thing that is not repugnant to justice. They may revive or abrogate old laws; make new; settle succession of the crown; determine doubtful rights whereof no law is made; appoint taxes; establish forms of religion; naturalize aliens; dissolve marriages; legitimate bastards; adjudge an infant or a minor to be of full age; attain a man of treason, either alive or after he is dead; give the most free pardons; restore in blood and name, &c. and the consent of the *parliament* is taken to be the consent of every Briton.

But how great soever the power of king and parliaments, yet they cannot restrain or confine future parliaments. *Quod leges posteriores priores contrarias abrogant,*

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is a maxim in the law of parliaments; and a subsequent parliament has still a power to abrogate, suspend, qualify, explain, or make void the acts of the former, in the whole or any part thereof; notwithstanding any words or restraint, prohibition, or penalty in the former.

IV. FEES ON PARLIAMENTARY PROCEEDINGS.

To Mr. SPEAKER:

FOR every private bill	5 0 0
For every private enacting clause	5 0 0
And if the bill concerns a county, or counties, corporation, or corporations, or in case of such-like bills, called double bills	10 0 0

To Mr. SPEAKER's Secretary.

For every private bill	0 10 0
For every private enacting clause	0 10 0
And if the bill concerns a county, or counties, or corporations, or in the case of such-like bills, called double bills	1 0 0
For every warrant signed by Mr. SPEAKER for a new writ, commitment, discharge, or witness to attend	0 10 0

To the CLERK, and OFFICERS under him.

To the CLERK.

For the several readings	3 13 4
For breviating, amendments, interlocutory orders, and other proceedings	1 5 0
For the order of commitment	0 6 8
For every private enacting clause	5 0 0
And if the bill concerns a county, or counties, or corporation, or corporations, or such-like bills, called double bills	10 0 0
For every order upon motion, or petition, or committee appointed in private matters; or copies of them, or of committees in public matters; taken out by any person	0 6 8

For every order for the commitment or discharge of any person	—	—	0 6 8
For copies of all petitions, reports, or other matters out of the journals, if under ten sheets	—	—	0 6 8
if above ten sheets,	—	—	—
per sheet	—	—	0 1 0
For every search in the journals	—	—	0 6 8
For copies of bills, per sheet	—	—	0 1 0
But if for members	—	—	0 0 4
For engrossing bills, per press	—	—	0 12 6
For every hearing at the bar, from each side	—	—	1 13 4
For attending committees of the whole house, or grand committees, in private concerns	—	—	0 13 4
And for preparing the report, and transcribing	—	—	0 10 0
For reading at the table, and entering in the journal, a report in private matters, if long	—	—	0 10 0
if short	—	—	0 6 8
For swearing every member without and within doors (upon the clerk of the crown's return upon any vacancy) after the sessions begun, and filing the certificate, and entering it in the return book	—	—	1 5 0
For the test, by act of parliament, at the table	—	—	0 1 0
For swearing every person at the table, in order to be naturalized	—	—	0 13 4
<i>To the CLERK Assistant.</i>			
For every private bill	—	—	1 0 0
For every private enacting clause	—	—	1 0 0
And if the bill concerns a county, or counties, or corporation or corporations, or in the case of such-like bills, called double bills	—	—	2 0 0
For every hearing at the bar, from each side	—	—	0 6 8
For attending committees of the whole house, or grand committees, in private concerns	—	—	0 6 8
For every order of such committees	—	—	0 5 0
For reading every petition in private matters	—	—	0 2 0
<i>To the CLERK of the Committee of Elections.</i>			
For attending the hearing of the merits of the cause	—	—	0 13 4
For drawing the report	—	—	0 6 8
For a fair copy of the report for the chairman	—	—	0 3 4
For each exhibit	—	—	0 2 0
For the examination of a witness	—	—	0 2 6
For	—	—	—

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For each order of the committee	—	—	0 5 0
To the four CLERKS without Doors attending on Committees.	—	—	—
For attending to adjourn a committee upon a private bill, or petition	—	—	3 4
For attending a fitting of the committee upon such bill, or petition	—	—	6 8
For drawing and transcribing the report for such committee	—	—	6 8
And where the bill, or petition, concerns a county, corporation, or a body of people, or in such-like cases (in which double fees are paid to the officers of the house) double fees.	—	—	—
For a summons for a witness to attend a committee	—	—	2 6
For examining a witness, or taking the consent of a party to the passing of a bill	—	—	2 6
For every deed, or other exhibit, made use of before the committee	—	—	2 0
To the chief CLERK without Doors (being one of the four Clerks without Doors) who receives the FEES, and pays them to the Officers of the House; for so doing,	—	—	—
For every private bill	—	—	10 0
For every private enacting clause	—	—	10 0
And if a bill concerns a county, or counties, or corporations, or in the case of such-like bills, called double bills, a double fee.	—	—	1 0 0
To the SERJEANT, and the OFFICERS under him.	—	—	—
To the SERJEANT.	—	—	—
For every private bill	—	—	1 5 0
For every private enacting clause	—	—	1 5 0
And if the bill concerns a county, or counties, or corporation, or corporations, or in the case of such-like bills, called double bills,	—	—	2 10 0
For taking a knight into custody	—	—	5 0 0
For taking a gentleman into custody	—	—	3 6 8
For every day in custody	—	—	1 0 0
From every knight of the shire, when sworn into the house (upon the clerk of the crown's return upon any vacancy) after the sessions begun	—	—	10 0
	b		From

From every burges, upon such vacancy	—	0	5	0
From every person sworn at the table, in order to be naturalized	—	0	12	6
For every counsel pleading at the bar, or before any committee	—	0	10	0
For bringing a criminal to the bar	—	0	6	8
For riding charges, for every mile	—	0	0	6

To the HOUSE-KEEPER.

For every private bill	—	0	5	0
For every private enacting clause	—	0	5	0
And if the bill concerns a county, or counties, or corporation, or corporations, or in the case of such-like bills, called double bills	—	0	10	0
For every private committee	—	0	5	0
For every hearing at the bar	—	0	10	0
For every prisoner discharged by the house	—	0	5	0

To the Two DOOR-KEEPERS.

For every private bill	—	0	5	0
For every private enacting clause	—	0	5	0
And if the bill concerns a county, or counties, or corporation, or corporations, or in the case of such-like bills, called double bills	—	0	10	0
For attending hearing at the bar in private matters	—	0	7	6
For delivering papers at the door	—	0	5	0
Upon the discharge of every prisoner, to each	—	0	2	6
From every member sworn (upon the clerk of the crown's return upon any vacancy) after the sessions begun	—	0	5	0

To the four MESSENGERS.

For serving any summons of the house in any private matters	—	0	6	8
For serving the orders of committees in private matters	—	0	2	6
For attending a prisoner, per diem	—	0	6	8
For keeping the door at a private committee	—	0	2	6

Marris,

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Martis, 22 Die Februarii 1731.

Resolved, nemine contradicente,

THAT if any officer or servant of this house shall presume to demand or take any greater fee, than what shall be contained in the said printed tables, this house will proceed against such officer or servant with the utmost severity.

Jovis, 19 Die Junii 1746.

Resolved, That the serjeant at arms attending this house is intitled to, and ought to take and receive from every person who shall be brought to the bar of this house, to be reprimanded by Mr. Speaker, the fees following; viz. the fee of 5l. or 3l. 6s. 8d. (according to the table of fees,) for taking a person into custody: the fees for one day in custody, viz. 1l. for himself, and 6s. 8d. for the Messenger; and the fee of 6s. 8d. for bringing a criminal to the bar.

Jovis, 13 Die Junii 1751.

Resolved, That every bill for the particular interest or benefit of any person or persons, whether the same be brought in upon petition, or motion, or report from a committee, or brought from the lords, hath been, and ought to be, deemed a private bill, within the meaning of the table of fees.

Resolved, That every enacting clause, so brought in upon petition, motion, or report, or brought from the lords, for a particular interest or benefit, hath been, and ought to be, deemed a private enacting clause, within the meaning of the said table of fees, whether the bill, in which such clause is inserted, be public or private.

Resolved, That every such bill, and every such enacting clause, which concerns a county, or counties, a corporation, or corporations, or body, or bodies of people, hath been, and ought to be, deemed a double bill, within the meaning of the said table of fees.

Resolved, That every distinct provision made in any bill, for the particular interest or benefit of any person or persons, or of any county or counties, corporation or corporations, or body or bodies of people, and every distinct provision made in any bill, relating to a distinct interest, estate, or matter, hath been, and ought to

to be, deemed an enacting clause within the meaning of the said table of fees; and that a distinct fee ought to be paid for the same, as for an enacting clause: provided, that in bills containing distinct provisions for more than three bodies of people, no more than a single fee shall be paid for each body.

Resolved, That no such bill, or clause, for the particular interest or benefit of any person or persons, or county or counties, or corporation or corporations, or body or bodies of people, shall be read a second time, until the fees be paid for the same.

THE EDITOR, by abridging the original **RESOLUTIONS** of the **COMMONS** of many repetitions, which, however necessary in the **Journal**, were by no means so in this **Manual**, has thereby enabled the **Booksellers** to reduce the price one-half to the **Purchasers**, without rendering the sense or meaning of any of the **Resolutions** intricate or obscure.

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TO THE

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[To come immediately before signature B.]

G U I D E
T O
CANDIDATES and VOTERS,
O N
PARLIAMENTARY ELECTIONS.

Stat. 5 RICH. II. Sect. 2. Chap. 4. intituled,
*Every one to whom it belongeth, shall, upon summons,
come to Parliament.*

IF any Sheriff refuses the return * of the Writs of
the Parliament, or leaves out any Cities or Bo-
roughs, which of old times were wont to come
to Parliament, he shall be punished, as accustomed.

Stat. 7 HEN. IV. Chap. 15. intituled,
*The manner of the Election of Knights of Shires
for a Parliament.*

At the meeting of the next County Court, after
delivery of the writ, proclamation shall be made of
the day and place of holding the Parliament; and
that all present shall attend the election of their
Knights; and shall proceed to the election † freely
in full county.

* See 4 Com. Dig. 290.

† See Stat. 1 Will. and Mar. Sess. 2. chap. 2. and
Stat. 2 Will. and Mar. sect. 1. chap. 7. Bac. Abr. 573.
4 Com. Dig. 290. 3 Bur. Rep. 1317. 2 Dougl. Hist. Con-
trov. Elect. 403.

EXTRACTS FROM THE STATUTES.

After Knights of the Shire be chosen, the names of the persons who chose them shall be written in indenture under their seals and tacked to the writ, which indenture shall be the return; and in the writs of Parliament, this clause, “and your * election in your full † County made, you shall without ‡ delay, distinctly § and evenly, certify || under your ** seal, and the seals of them †† who were concerned †† in that election, to us, in our *Chancery*, at the day §§ and place in the writ contained.”

Stat. 1 HEN. V. Chap. 1. intituled,
What sort of people shall be chosen, and who shall be Choosers of the Knights and Burgeses of the Parliament.

By Sect. 1, Knights of Shires shall not be chosen, unless ||| *resident* within Shire day of date of writ of summons; and Knights returned contrary, shall lose their wages.

Citizens and Burgeses shall be ||| *resiant*, and free of same ¶ Cities and Boroughs.

* See 2 Mor. Whitel. on Govern. chap. 3. fol. 409.

† See Black. Com. 171. 2 Mor. Whitel. on Govern. chap. 37. fol. 343. Id. chap. 112. f. 411.

‡ Id. chap. 104. f. 378.

§ Id. chap. 197. f. 397.

|| 2 Mor. Whitel. on Govern. chap. 103. f. 372.

** Id. 409.

†† Id. 303, 304.

‡‡ Id. 408.

§§ Id. chap. 106. f. 395.

||| 8 Hen. VI. chap. 7. 10 Hen. VI. chap. 2. 23 Hen. VI. chap. 15. But all these Acts are now repealed, as to residence; by Stat. 14 Geo. III. chap. 58.

¶ See 23 Hen. VI. chap. 15. sect. 1. But this must be understood with great latitude of construction; for in some places freedom; in some, freeholds; in some, inhabitancy, &c. (and these greatly diversified); and in some, two or more of these give a right of election. Charter or prescription may give the right. Laws of Election, 11.

Stat.

EXTRACTS FROM THE STATUTES.

Stat. 8 HEN. VI. Chap. 7. intituled,
*What sort of Men shall be Choosers; and who shall be
Knights of the Parliament.*

Knights of the Shire shall be chosen by people having in the same † Counties freehold of the yearly value of forty † shillings; and such as have the greatest number of such Choosers, shall be returned by the Sheriffs, by indentures sealed betwixt the Sheriffs and the Choosers; and if any Sheriff return Knights contrary to the said ‖ ordinance, Justices of Assize may enquire; and if by inquest same be found before the Justices, and Sheriff be duly attainted, he shall incur pain of fool. and a year's imprisonment.

Stat. 10 HEN. VI. Chap. 2. intituled,
*Certain things required in him which shall be a Chooser
of the Knights of the Parliament.*

The preamble to this Act recites, that Stat. 8 Hen. VI. chap. 7. does not make express mention in the same; that “ every man that shall be Chooser
“ of any Knights of the Counties, shall have
“ freehold to the value of 40s. at the least, above
“ all charges, within the same County where such
“ Chooser with other like shall make such Election,
“ or elsewhere;” and enacts, “ that Knights of
“ all Counties within the realm to be chosen to

* See Black. Com. 166.

† See Stat. 10 Hen. VI. chap. 2.

‡ Mor. Whitel. on Govern. chap. 77. fol. 90. Every Sheriff may examine on oath every Chooser, how much he can spend by the year; and if he cannot expend forty shillings by the year, he shall in no wise be Chooser of Knights of Parliament. Same Statute.

‖ In every writ to choose Knights for the Parliament, mention shall be made of said ordinance. Same Statute.

4 EXTRACTS FROM THE STATUTES.

“ come to future Parliaments, shall be chosen in
 “ every County by people, whereof every man shall
 “ have freehold to the value of 40s. by the year
 “ at the least, above all charges, within the same
 “ County, where any such Chooser will meddle of
 “ any such Election.”

I have been thus particular in the above extract from the Act of 10 Hen. VI. because the same seems to have been enacted, in substance at least, only two years before. See Stat. 8 Hen. VI. chap. 7. the Statute last above abstracted.

Stat. 23 HEN. VI. Chap. 15. intituled,

Who shall be Knights for the Parliament; the manner of their Election; the remedy where one is chosen, and another elected.

By Sect. 1, Mayor and Bailiffs of Cities and Boroughs shall return precept to Sheriffs by indenture, between Sheriffs and them of the Election, and names of Citizens and Burgesses chosen; and thereupon Sheriff shall make return of writ, and of every return by Mayor and Bailiffs to him made. And Sheriff who doth contrary to these Statutes for election of Parliament-men, shall incur pain in 8 Hen. VI. chap. 7. and moreover forfeit to every Knight, Citizen, or Burgess in his County, and not duly returned, or to any other who will sue in default of Parliament-men, 100l. with costs; and Mayor and Bailiffs who shall return Citizens and Burgesses not chosen, shall forfeit to the King 40l. and to every such Parliament-man not returned, or to any other who in his default shall sue, 40l. with costs.

By Sect. 2, Sheriff who maketh not due election of Knights in his full County, between eight and eleven

o'clock * before noon, shall forfeit 100l. to the King, and also 100l. to him who will sue, with costs.

By Sect. 3, if Knight, Citizen, or Burgess, returned by Sheriff, shall, after returned, be put out, and another placed in his room, such other person, if he presumes to act as a Parliament-man, shall forfeit 100l. to the King, and also 100l. to the Knight, Citizen, or Burgess returned by Sheriff, and put out, who shall have action of debt against the person put in his place, his executors or administrators; and if he do not begin his suit within three months after Parliament commenced, and proceed in same effectually, then he who will sue shall have action against him who is put in the place of him put out after his return, his executors or administrators; and such process shall be had in the actions aforesaid, as in writ of trespass against the peace at common law; and every Knight, Citizen, and Burgess chosen and not † returned, shall begin his said action, and proceed therein in manner aforesaid; and if he do not, then any other person who will sue, shall have the action.

Stat. 34 and 35 HEN. VIII. Chap. 13. intituled,
*Act for making of Knights and Burgeses within the
County and City of Chester.*

By Sect. 1, County palatine ‡ of *Chester* shall have two Knights, and likewise two Citizens to be Burgeses for the City of *Chester*, to be chosen by process, to be awarded by the Chancellor of *England* unto the Chamberlain of *Chester*, his Lieutenant, or deputy; and like process to be made by the Chamberlain, &c.

* See 4 Inst. 48.

† If a Sheriff makes false return, debt lies for 100l. upon this Statute. Plowd. Com. 118, 130.

‡ See Stat. 18 Geo. II. chap. 18. sect. 12.

6 **EXTRACTS FROM THE STATUTES.**

to the Sheriff of *Chester*; the election to be made as in County palatine of *Lancaster*, or any other County and City for which there shall be Knights and Burgesses of Parliament.

Stat. 35 HEN. VIII. Chap. 11. intituled,
Bill for Knights and Burgesses in Wales, concerning the payment of fees and wages.

By Sect. 3, Burgesses of all Cities and Towns in *Wales* † and *Monmouth*, contributing to the wages of Burgesses of Shire-towns, shall be admonished by proclamation, or otherwise, by Mayor, Bailiffs, or other Head-Officers, to come and give their voices for the said Burgesses, at such reasonable time and place as shall be assigned by Mayors, Bailiffs, or Head-Officers of Shire-towns; in which elections, Burgesses shall have like votes to chose those of Shire-towns, as those of those towns have.

Stat. 25 CAR. II. Chap. 9. intituled,
Act to enable the County-palatine of Durham to send Knights and Burgesses to serve in Parliament.

County-palatine of † *Durham* may have two Knights for the County, and the City of *Durham* two Citizens, to be Burgesses thereof, to serve in Parliament, to be elected by writ awarded by the Lord Bishop of *Durham*, or his Chancellor of the County, and precept thereupon by the Lord Bishop, or his temporal Chancellor to the Sheriff. Election of Knights to be by greater number of Freeholders, as in other Counties; and of Burgesses, by major part of Mayor, Aldermen, and Freemen. Knights and Burgesses to be returned

* See Stat. 18 Geo. II. chap. 18. sect. 12. 31 Geo. II. Chap. 14. 3 Geo. III. chap. 15.

† See Stat. 18 Geo. II. chap. 18. sect. 12.

EXTRACTS FROM THE STATUTES. 7

by Sheriff into *Chancery*, upon like pains as to Sheriffs of any other County.

Stat. 30 CAR. II. Sess. 2. Chap. 1. intituled,
*Act for the more effectual preserving the King's
Person and Government, by disabling Papists from
sitting in either House of Parliament.*

By Sect. 3, "I A. B. do solemnly and sincerely in the presence of God profess, testify, and declare, that I do believe that in the Sacrament of the Lord's Supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ at or after the consecration thereof by any person whatsoever: and that the invocation or adoration of the Virgin *Mary* or any other Saint, and the sacrifice of the mass, as they are now used in the Church of *Rome*, are superstitious and idolatrous. And I do solemnly in the presence of God profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by *English* Protestants, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the Pope, or any other authority or person whatsoever, or without any hope of any such dispensation from any person or authority whatsoever, or without thinking that I am or can be acquitted before God or Man, or absolved of this declaration, or any part thereof, although the Pope, or any other person or persons, or power whatsoever, should dispense with or annul the same, or declare that it was null or void from the beginning *."

* This declaration is to be subscribed by all professed Papists, at their age of eighteen, by 1 Ann. Stat. 1. c. 32, sect. 7.

8 **EXTRACTS FROM THE STATUTES.**

Stat. 1 W. and M. Chap. 1. intituled,
Act for removing and preventing all questions and disputes concerning the assembling and sitting of this present Parliament.

By Sect. 6, form of the oath of allegiance.

" I *A. B.* do sincerely promise and swear, that I will be faithful and bear true allegiance to their Majesties King William and Queen Mary.

So help me, GOD."

By Sect. 7, form of the oath of supremacy.

" I *A. B.* do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, *that Princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whomsoever* And I do declare, that no foreign Prince, Person, Prelate, State, or Potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or * spiritual, within this realm. So help me, GOD."

Stat. 1 WILL. and MAR. Sess. 2. Chap. 2. intituled,
Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown.

[*So much thereof as relates to Members of Parliament.*]

It is declared, that elections to Parliament ought to be free.

Stat. 2 WILL. and MAR. Sess. 1. Chap. 7. intituled,
Act declaring the Right and Freedom of Election of Members to serve in Parliament for the Cinque Ports.

By Sect. 1, and 2, it is declared, that the nomination by the Lord Wardens of the *Cinque Ports*, of one person to each of these two ancient towns and their Members, as a Baron or Member of Parliament claimed as a right by them, is a power contrary to ancient usage, and is also contrary to law, and void,

* Should not the word be "civil?"

Stat.

EXTRACTS FROM THE STATUTES. 9

Stat. 5 W. and M. Chap. 7, intituled,
*Act for granting to their Majesties certain rates and
duties upon Salt, Beer, Ale, and other Liquors,
&c.*

[*So much thereof as relates to Members of Parliament.*]

By Sect. 57, no Member shall be concerned in the duties granted by this Act, except Commissioners of the Treasury, and Officers and Commissioners of Customs and Excise.

Stat. * 5 and 6 of W. and M. Chap. 20, intituled,
*Act for granting to their Majesties several rates and
duties upon Tonnage of Ships and Vessels, and upon
Beer, Ale, and other Liquors, &c.*

[*So much thereof as relates to Members of Parliament.*]

By Sect. 48, no Collector, Supervisor, Gauger, or other person employed in collecting or managing the duties of excise, shall, by word, message, or writing, or otherwise, endeavour to persuade any Elector to give, or dissuade him from giving his vote for choice of Knight, Citizen, Burgesses, or Baron, to serve in Parliament; and every offender shall forfeit 100l. half to informer, and half to the poor of the parish, to be recovered in any Court of Record at Westminster; and convict shall be disabled from bearing offices relative to said duty, or any place of public trust.

* This Act is said to have passed 5 W. and M. in the Statutes at large; but in Stat. 6 W. III. chap. 12. sect. 1. 8 W. III. chap. 20. sect. 12. 1 Ann. Stat. 1. chap. 13. sect. 11. 5 Ann. chap. 19. sect. 3. it is said to have been passed in 5 and 6 W. and M. in Stat. 10 Ann. chap. 19. sect. 180. 12 Ann. Stat. 2. chap. 9. sect. 30. 6 Geo. 1. chap. 21. sect. 54. it is said to have passed 5 W. and M. See Resolutions, dated respectively January 10, 13, and February 2, 1698,

Stat.

10 **EXTRACTS FROM THE STATUTES,**

Stat. 7 WIL L. III. Chap. * 4. intituled,
*Act for preventing charge and expence in Elections of
Members to serve in Parliament.*

By Sect. 1, no person shall be elected to serve in Parliament after † *teste* of writ of summons, or after ordering writs of election upon calling a Parliament, or after seat becomes vacant in time of Parliament, who shall, before his election, give or allow Voter money, meat, drink, entertainment, or provision; or make any present, entertainment, promise, or engagement, to allow money, meat, drink, entertainment, or provision, to any particular person or place in † *general*, in order to be elected.

By Sect. 2, every person so giving or allowing, promising or engaging, shall be disabled upon such election to serve in Parliament for such place.

Stat. 7 WIL L. III. Chap. § 7. intituled,
*Act to prevent false and double Returns of Members
to serve in Parliament.*

By Sect. 1, all || false returns wilfully made of any Member to serve in Parliament, are hereby declared

* This treating Act was founded on the standing order of the House of Commons, dated Oct. 21, 1678. Dougl. Hist. Controv. Elect. 288.

† It is very certain, that there has been long an idea, that the 'teste' of the writ is the period for ascertaining when any act was clearly done for the purpose of influencing an election, as by giving money, treats, &c. or making votes. However, the decision in the case of Bristol, in 1775, will probably establish the general validity of votes, to which the only objection is, that the admissions were after the 'teste' of the writ; for if that objection had been good on that controverted election, Brickdale must have succeeded against Burke. Dougl. Hist. Controv. Elect. 288, 289.

‡ Treating corporation on day of election, breach of this Statute. 4 Com. Dig. 287.

§ This Act is made perpetual by Stat. 12 Ann. § 1. c. 15.

|| House expects Sheriff to make returns according to Law, and will not give directions in case of difficulty. 4 Com. Dig. 29. See Dougl. Hist. Controv. Elect. 109.

to be against Law ; and in case any * Member shall be returned contrary to last † determination of the House of Commons on the right of election in such place, such return shall be considered a false return.

By Sect. 2, every person who shall be duly elected to serve for any place on such false return, may sue any Officer or person making or procuring the same, and shall recover double damages with costs.

By Sect. 3, if Officer shall wilfully, falsely, and maliciously return more persons than required to be chosen by writ or precept, like remedy against him and procurers by party grieved.

By Sect. 4, all contracts and securities given to procure return of Member shall be adjudged void ; and whoever makes same, or any gift or reward to procure false or double return, shall forfeit 300l. one-third to his Majesty, another to the poor, and the remainder to informer with costs, to be recovered in any Court of Record at *Westminster*.

By Sect. 5, Clerk of Crown shall enter in book every single and double return, and every alteration made by him or Deputy in return ; to which book all persons shall have free access to search and take copies, paying reasonable for same ; and parties prosecuting may give in evidence such book, or copy, relating to such returns, and shall have like advantage of such proof as might be had by producing record itself.

* But the Members returned are the sitting Members, until the House of Commons, upon petition, adjudge the return to be false, and consequently illegal. *Black. Com.* 174.

† Tho' this made the last determination of the House binding on returning Officers, yet the House itself was still left open to the same arbitrary decisions as ever ; but see now Stat. 1 Geo. II. chap. 24. sect. 4, hereafter in its order of time.

And

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And if Clerk of Crown shall not, within six days after receipt of return, make entry, or alteration in return, unless by order of the House, or shall give certificate of person not returned, or neglect his duty, he shall forfeit to party grieved 500l. and lose his office, and be ever incapable of holding same.

By Sect. 6, every information or action * grounded upon this Statute, shall be brought within two years.

Stat. 7 WILL. III. Chap. 25, intituled,

Act for further regulating Elections of Members to serve in Parliament, and for preventing irregular proceedings of Sheriffs and other Officers, in the electing and returning such Members.

By Sect. 1, when a new Parliament shall be summoned, there shall be 40 days between *teste* and return of writ of summons, and Lord Chancellor shall issue out writs for election of Members; and as well upon calling a new Parliament, as in case of vacancy during the same, writs shall be delivered to the Officer to whom the execution thereof belongs, who, upon receipt of writ, shall indorse thereon day he received same, and forthwith make out precept to each Borough or place; and within three days after receipt, shall deliver precepts to proper Officers, who shall indorse thereon day of receipt thereof, in presence of party from whom he received same, and forthwith cause public notice to be given of time and place of election, and shall proceed thereto within eight days

* Action upon the case lies upon this Statute for a false return, Lutw. 185. if plaintiff makes out his case pursuant to the Statute, Salk. 504; but action does not lie where return is conformable to last determination of House of Commons, Lutw. 189.

of

of the receipt of precept, and give four days notice of day for election.

By Sect. 2, neither Sheriff, or Under-sheriff, nor Mayor, Bailiff, Constable, Portreeve, or other Officer of any place, to whom execution of writ or precept for electing belongs, shall pay or take fee for making out receipt, delivery, return, or execution of writ or precept.

By Sect. 3, upon election of Knight of Shire, Sheriff shall hold his County Court for election, at most public and usual place for 40 years; and shall there proceed to election at next County Court, unless same happens within six days after receipt of writ, or upon same day; then Court shall be * adjourned to some convenient day, giving ten days notice of time and place of election. In case election be not determined upon † view, but a ‡ poll is required, Sheriff, or Under-sheriff, with his Deputies, shall proceed to take the poll in some open place; and they shall appoint meet number of Clerks for taking thereof, who shall take same in presence of Sheriff, Under-sheriff, or his Deputies; and before poll begins, every Clerk shall by Sheriff or Under-sheriff, be sworn truly and indifferently to take same, and to set down the names of each Freeholder, and the place of his abode, and for whom he polls, and to poll no Freeholder not sworn if required by candidates; and Returning Officer shall appoint for each candidate person nominated by him to inspect every Clerk.

* See Stat. 18 Geo. II. chap. 18. sect. 10.

† It may be judged who are elected, by hearing of the voices, or view of the hands held up. Pl. Com. 123, 126.

‡ If Freeholders demand a poll, Sheriff ought not to refuse it, for upon view he cannot judge who have freeholds. See 4 Inst. 48.

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By Sect. 4, if any Freeholder or other person taking oath, shall thereby commit perjury, or suborn any person to take said oath, in order to be polled, whereby he commits perjury, he, for every offence, shall incur penalties in Stat. 5 Eliz. chap. 9.

By Sect. 5, Sheriff, Under-sheriff, or Deputy, shall proceed to polling all the Freeholders present, and shall not adjourn County Court without consent of candidates; nor shall, by unnecessary adjournment, protract election, but proceed therein from day to day.

By Sect. 6, every Returning Officer, to whom execution of writ or precept for electing Members belongs, shall forthwith deliver to such as desire same, copy of poll, paying for same; and every such Officer, for every wilful offence, shall forfeit to every party grieved, or his administrators, 500l. with costs.

By Sect. 7, No person shall have any vote in electing
 * Members for any trust, estate, or mortgage, unless such Trustee or Mortgagee be in actual possession, or receipt of rents; but Mortgager, or *cestui que* trust, in possession, may vote for the estate; and all † conveyances of any hereditaments, in order to multiply voices, or to ‡ split the interest in any houses or lands among several persons, to enable them to vote at elections of Members, are declared to be void, and no more than one voice shall be admitted for one house or tenement.

By Sect. 8, no person under the age of twenty-one years, shall be admitted to give his vote.

* This extends to all sorts of Members, as well Boroughs as Counties. Black. Com. 167.

† See Stat. 10 Ann. chap. 23. sect. 1.

‡ See Dougl. Hist. Controv. Elect. 211, 217.

§ 4 Inst. 47. Bac. Abr. 576. Black. Com. 169. Neither can any Lord of Parliament sit in the House of Peers, until he be of the full age of 21 years. Bac. Abr. 576. Lord

Ches-

By Sect. 9, all County Courts which used to be held on *Monday*, shall be begun on *Wednesday*.

By Sect. 10, Sheriff of County of *Southampton*, at request of one of candidates for that County, shall ad-

Chesterfield made his first speech in the Lords before he was of age, of which circumstance there is the following minute in his Lordship's Memoirs by Doctor Maty:—
 “As soon as he [Lord Chesterfield] had done speaking (which speech was delivered Aug. 5, 1715, and as we learn from himself, he spoke a month (or rather six weeks) before he was of age), one of the opposite party took him aside, and having complimented him upon his ‘coup d’essai,’ added, that he was exactly acquainted with the date of his birth, and could prove, that when he was chosen a Member of the House, he was not come of age, and that he was not so now; at the same time he assured him, that he wished to take no advantage of this, unless his own friends were pushed; in which case, if he offered to vote, he would immediately acquaint the House with it. Lord Stanhope, who knew the consequences of this discovery, answered nothing; but, making a low bow, quitted the House directly, and went to Paris. See Mem. of Chest. by Maty, 1 vol. 8vo. p. 45, 46, and notes. I cannot but observe how little qualified Writers are for becoming Historians, who are not at all acquainted with the Laws of the Country whose History they pretend to relate. Of this Doctor Maty affords us rather a singular instance, for he quotes “Jacob’s Law Dictionary” to shew, that by the Law of England, a person under the age of 21 years cannot be elected to sit in Parliament, instead of the first authority, viz. Stat. 7 W. III. chap. 25. sect. 8. Tho’ Pope is censurable for many characters he introduced into his Dunciad, I am apt to think that given to Jacob pretty just, for I never heard that Pope drew it either from envy or ill-nature; therefore it may be considered as rather a striking likeness, viz. “Blunderbuff of Law.” Jacob is about of as much authority in the estimation of a Lawyer, as Parson Ryder’s History of England is in that of an Historian, unless he happens to be of opinion, that quantity is better than quality; then indeed Ryder may have given him ‘quantum sufficit.’

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jour poll from *Winchester*, after every Freeholder there is polled, to *Newport* in the Isle of *Wight*.

Stat. 10 and 11 WILL. III. Chap. 7. intituled,
*Act for preventing irregular proceedings of Sheriffs
and other Officers, in making Returns of Members
chosen to serve in Parliament.*

By Sect. 1, Sheriff or other Officer having execution and return of writ for choice of Members, shall, on or before day that any Parliament be called, and within 14 days after election, make return thereof to Clerk of Crown in *Chancery*, to be filed; and Returning Officer shall pay him ancient fee of four shillings for every Knight of the Shire, and two shillings for every Citizen, Burges, or Baron, and be allowed same in account.

By Sect. 2, proper Officer of *Cinque Ports* shall be allowed six days from receipt of writ for election for delivery of precept, according to Stat. 7 and 8 Will. III. chap. 25. sect. 1.

By Sect. 3, every Officer who does not make returns accordingly, shall forfeit 500l. one moiety to his Majesty, and the other to him who shall sue for same, in any Court of Record at *Westminster*.

Stat. 11 and 12 WILL. III. Chap. 2, intituled,
Act for granting an aid to his Majesty, by sale of forfeited and other Estates and Interests in Ireland; and by a Land-Tax in England, for the several purposes therein mentioned.

[*So much thereof as relates to Members of Parliament.*]

By Sect. * 150, no Member of the House of Commons shall be capable of being a Commissioner or

* See Stat. 12 and 13 Will. III. chap. 10. sect. 89.

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Farmer of the duty upon beer, &c. or Commissioner for appeals concerning said duty, or comptrolling or auditing account thereof, or holding in his name, or in trust for his use, any office or employment touching farming, collecting, or managing said duty.

By Sect. * 151, if any Member of the House of Commons shall enjoy or execute any office or employment touching farming, &c. said duty, or determining appeals, or comptrolling or auditing account thereof, he is incapable of sitting, voting, or acting as Member in the Commons of such Parliament.

Stat. 12 and 13 WILL. III. Chap. 2, intituled,
Act for further limitation of Crown, and for better securing the Rights and Liberties of the Subject.

[*So much thereof as relates to Members of Parliament.*]

No † person born out of the kingdom, though naturalized, except such as are born of *English* parents, shall be capable of being a Member of either House of Parliament.

Stat. 12 and 13 WILL. III. Chap. 10. intituled,
Act for granting aid to his Majesty for defraying expences of his Navy, Guards, and Garrisons for one Year, and for other necessary occasions.

[*So much thereof as relates to Members of Parliament.*]

By Sect. 89, no Member shall be capable of being Commissioner or Farmer of ‡ *Customs*, or of holding in his own name, or in that of another, or in trust, or for his own use or benefit, or of executing by himself or deputy, any employment concerning the *Customs*.

* See Stat. 12 and 13 Wil. III. chap. 10. sect. 91.

† By Stat. 1 Geo. I. sess. 2. chap. 4. sect. 1, persons naturalized at accession of Geo. I. not disabled.

‡ See Resolution of Feb. 9, 1708.

By Sect. 91, same clause as to Commissioner, Collector, or other person concerned in collecting or managing the *Customs*, as sect. 48. of Stat. 5 and 6 Will. and Mar. chap. 20. is enacted as to Collector, Supervisor, Gauger, or other person employed in collecting or managing the duties of *Excise*, except that this clause [sect. 91.] is restricted to Electors for Knights of the Shire, Citizens and Burgeſſes only, *Barons of the Cinque Ports* not being mentioned.

Stat. 13 WILL. III. Chap. 6. intituled,
*Act for further ſecurity of his Maſeſty's Perſon, and
Succeſſion of the Crown in Proteſtant Line; and
for extinguishing hopes of pretended Prince of
Wales, and all other Pretenders, and their open
and ſecret Abettors.*

[*So much thereof as relates to Members of Parliament.*]

By Sect. * 10, no Peer ſhall vote, or make his proxy, or ſit during debates; nor any Commoner vote or ſit after Speaker choſen; until they ſhall have ſeverally taken and ſubſcribed oath of abjuration †, between nine in morning and four in afternoon, at table in middle of a full Houſe, with Speaker in his place, or chair.

By Sect. † 11, if any Peer ſhall vote, or make proxy, or Member vote, not having taken and ſubſcribed ſaid * oath, he ſhall be adjudged a *Popiſh* § re-

* See Stat. 1 Geo. I. ſeſſ. 2. chap. 13. ſect. 16.

† See Stat. 1 Geo. I. ſeſſ. 2. chap. 13. ſect. 1.

‡ See Stat. 1 Geo. I. ſeſſ. 2. chap. 13. ſect. 17.

§ Many Authors who have wrote on Popery, not attending to the following diſtinction of "Popiſh recusant convict," have fallen into confuſion; for a recusant doth not neceſſarily imply a Papiſt; a recusant being any perſon who reſuſes to go to church, and worſhip God after the manner of the Church of England; a Popiſh recusant, a Papiſt who ſo reſuſeth; and a Popiſh recusant convict, a Papiſt legally convicted thereof.

cusant convict, and be disabled from holding any place of profit or trust, civil or military, or of sitting or voting in either House (or making proxy, if a Lord of Parliament), or of suing at law, or in equity; or of being Guardian, or personal Representative, Legatee, Grantee, or Donor; and shall forfeit 500*l.* recoverable in any Court of Record at *Westminster*.

Stat. 1 Ann. Sess. 1. Chap. 22, intituled,
Act to declare alteration in Oath appointed to be taken by
Stat. 13 Will. III. Chap. 6. and for declaring the
Association to be determined.

[*So much thereof as relates to Members of Parliament.*]

The form of the oath appointed to be taken by this Act, is again altered by Stat. 1 Geo. I. sess. 2. chap. 13. sect. 1. *which see.*

Stat. 2 and 3 ANN. Chap. 4. intituled,
Act for public registering all Deeds, Conveyances, and
Wills of Houses, Manors, Lands, Tenements, or
Heredatiments, within the West Riding of the
County of York, after 29th of Sept. 1704.

[*So much thereof as relates to Members of Parliament.*]

By Sect. 22, no Register or his deputy shall be capable of being a Member of Parliament.

Stat. 5 ANN. Chap. 8. intituled,
Act for the Union of the two Kingdoms of England
and Scotland.

[*So much thereof as relates to Members of Parliament.*]

By Sect. * 1. every Commoner in all succeeding Parliaments of *Great-Britain*, until that Parlia-

* See Resolution, dated Mar. 9, 1727.

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ment shall otherwise direct, shall take the * oaths, and subscribe and repeat the declaration mentioned in 30 Car. II. Stat. 2. and shall take and subscribe the oath mentioned in 1 Ann. sess. 1. chap. 22 *.

By Sect. 12, no one shall be capable to elect but such as are twenty-one † years of age complete, and Protestants, excluding all Papists, or such as being suspected of Popery and required, refuse to swear and subscribe the ‡ *formula* contained in the third Act made in the eighth and ninth Session of King *William's* Parliament in *Scotland*, for preventing the growth of Popery; nor any persons who are now incapable by the

* See Stat. 1 Geo. I. sess. 2. chap. 13. sect. 1, 2, 3.

† See note to 7 Will. III. chap. 25. sect. 8.

‡ The 'formula' appointed by Act of Parliament made 8 and 9 sess. Will. III. in Scotland.

"I, A. B. do sincerely from my heart profess and declare before God who searcheth the heart, that I do deny, disown, and abhor these tenets and doctrines of the Papal Romish Church, viz. the supremacy of the Pope and Bishop of Rome over all Pastors of the Catholic Church; his power and authority over Kings, Princes, and States, and the infallibility that he pretends to, either without or with a General Council; his power of dispensing and pardoning the doctrine of transubstantiation and the corporal presence; with the communion without the cup, in the Sacrament of the Lord's Supper; the adoration sacrifice professed and practised by the Popish Church in the Mass; the invocation of Angels and Saints; the worshipping of images, crosses, and relicks; the doctrine of supererogation, indulgence, and purgatory, and the service and worship in an unknown tongue; all which tenets and doctrines of the said Church, I believe to be contrary to, and inconsistent with, the written word of God. And I do from my heart deny, disown, and disclaim the said doctrines and tenets of the Church of Rome, as in the presence of God, without any equivocation or mental reservation, but according to the known and plain meaning of the words, as to me offered and proposed."

Laws of this Kingdom, to be elected Commissioners for Shires or Boroughs to the Parliament of *Scotland*.

Stat. 6 A N N. Chap. 6. intituled,
Act for rendering the Union of these Two Kingdoms more entire and complete.

[*So much thereof as relates to Members of Parliament.*]

By Sect. 5, when any Parliament shall be summoned, the forty-five Representatives of *Scotland* in the House of Commons, shall be selected by writs under the Great Seal of *Great-Britain*, directed to the several Sheriffs and Stewards, who shall, on receipt thereof, forthwith give notice of time of election for Knights or Commissioners, at which the several Freeholders shall meet at the head Burghs, and proceed to election; and the Clerks of the several meetings, immediately after election, shall return the names of persons elected to Sheriff or Steward, who shall annex thereto his writ, and return it into Court whence writ issued. The Sheriff of the * Shire of *Edinburgh* shall, for the purpose of electing the fifteen Representatives of the *Royal Boroughs*, on receipt of writ, forthwith direct his precept to the Lord Provost of *Edinburgh*, to cause a *Burgess* to be elected for that City; and on receipt of precept, the City of *Edinburgh* shall elect their Member, and their common Clerk shall certify his name to the Sheriff of *Edinburgh*, who shall annex same to his writ, and return it. The Sheriffs or Stewards of the several Shires or Stewartries, shall, for

* The Reader is desired to recollect, that this statute is made with reference to the Law of *Scotland*, else he may be apt to consider the transcript as very erroneous, from a supposed inaccurate application of terms; as for instance, Shire of *Edinburgh*, as *Edinburgh* is a City; again, *Burgess* for that City; and he is to observe, that Burgh and Borough are synonymous terms.

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the election in the other Royal *Burghs* divided into fourteen districts, on receipt of writs, direct their precept to every *Royal Borough*, reciting contents and date of writ, command each of them forthwith to elect a Commissioner, and order them to meet at presiding Borough of their district (naming the Borough), upon 30th day after *teste* of writ, unless *Sunday* then day after, and then to choose their Burgesses for the Parliament; and the common Clerk for the presiding Borough shall, immediately after election, return name of person elected to Sheriff or Steward where such presiding Borough is, who shall annex same to writ and return it; and in case vacancy happens in time of Parliament by decease, or legal incapacity of Member, a new one shall be elected in his room, conformable to the above method; and in case vacancy be of Representative for any of the said fourteen Districts or Royal Burghs, that Borough which presided at election of deceased or disabled Member, shall be the presiding Borough at such new election.

By Sect. 6, upon issuing writs of summons for electing a Parliament, if any Shire or Stewartry, wherein a Royal Borough is, hath not then a turn or right to elect a Commissioner or Knight of Shire for that Parliament, such election shall be omitted out of [or in] writ.

Stat. 6 ANN. Chap. 7. intituled,
Act for the Security of her Majesty's Person and Government, and of the Succession of the Crown in the Protestant Line.

[*So much thereof as relates to Members of Parliament.*]

By Sect. * 25, no person having in his own name, or in trust for him, any new office or place of profit

* See Resolutions dated respectively, April 10, 1711; July 7, 1715; March 9, 1727; and Feb. 20, 1739—40.

under

under the Crown, which since Oct. 25, 1705, hath been, or hereafter shall be created; nor any Commissioner or Sub-commissioner of prizes; Secretary or Receiver of prizes; nor any Comptroller of army accounts; nor Commissioner of transports; nor Commissioner of sick or wounded; nor Agent for regiment; nor Commissioner for wine licences; nor Governor or Deputy-governor of * Plantations; nor Commissioner of † Navy, employed in the out-ports; nor pensioner ‡ of Crown during pleasure, shall be eligible, or sit or vote as a Commoner.

By Sect. 26, if any Commoner shall accept office or profit from Crown, his election shall be void; and new writ shall issue, provided he be re-eligible.

By Sect. 28, not to extend to Commoner, being Officer in navy or army, on his receiving a new commission in either.

By Sect. § 29, if person disabled to sit or vote in Parliament shall be returned, his election and return shall be void; and if the elected sit and vote as a Member, he shall forfeit 500*l*.

* See Resolutions, dated respectively, June 26, 1716; Feb. 14, 1737.

† See Resolution, dated May 9, 1738.

‡ See Stat. 1 Geo. I. sess. 2. chap. 56; and Resolution, dated Jan. 24, 1739—40.

§ See Resolution, dated Feb. 20, 1739—40.

Stat. 6 ANN. Chap. 23, intituled,
Act to make further provision for electing and summoning Sixteen Peers of Scotland, to sit in the House of Peers, in the Parliament of Great-Britain; and for trying Peers for Offences committed in Scotland, and for further regulating Elections of Members to serve in Parliament.

By Sect. * 1, when the Crown shall declare its pleasure for summoning any Parliament, in order to electing Sixteen Peers of Scotland, a proclamation shall issue under the Great Seal of Great-Britain, commanding all the Peers of Scotland to assemble at Edinburgh, or place and time mentioned in proclamation, to elect Sixteen Peers to sit and vote in the House of Peers of Great-Britain.

By Sect. 2, every proclamation shall be published at Market-cross at Edinburgh, and in all the County-towns in Scotland, 25 days before meeting of Peers.

By Sect. 3. all Peers who meet on proclamation, shall, before they proceed to election, in presence of Peers assembled, take the oaths of † allegiance and ‡ supremacy; and also make and subscribe declaration in Stat. 30 Car. II. sess. 2. chap. 1. sect. 3. [which see] and also take and subscribe oath of § abjuration.

By Sect. 4, Peers who live in Scotland, but not present at meeting, may take the oaths in Sheriffs Court in Scotland; and every Sheriff, or his deputy, before whom oaths be made, shall return original subscription signed by Peer, and make return in writing, signed and sealed, to Peers assembled, of Peers taking oaths;

* See art. 22. of the Union.

† Which see in Stat. 1 W. and M. chap. 1. sect. 6.

‡ Which see in the same Statute, sect. 7.

§ Which see in Stat. 1 Geo. I. sess. 2. chap. 13. sect. 1.

who shall be thereby enabled to make proxy, or send signed list, containing names of Sixteen Peers, for whom he voteth: and Peers who reside in *England*, may take oaths in any of the four superior Courts at *Westminster*, which being certified by writ to Peers in *Scotland* at meeting, under seal of Court, shall entitle Peer to make his proxy, and to send signed list; and in case any Peer, who, before issuing of proclamation, took the oaths, to be certified as aforesaid, (and if taken in Parliament, to be certified under Great Seal), shall, at time of issuing proclamation, be absent in service of the Crown, may make proxy, or send list.

By Sect. 5, Peers of *Scotland*, who are also Peers of *England*, shall sign their proxies by their *Scottish* title.

By Sect. 6, no Peer shall have more than two proxies.

By Sect. 7, at meeting of Peers, they shall all give in the names of the persons by whom nominated to sit and vote in House; and Lord Clerk Register, or two principal Clerks of Session, appointed by him to officiate in his name, shall, after election, certify names of Sixteen Peers elected, and sign same in presence of Peers; which certificate shall, by Lord Clerk Register, or his two principal Clerks, be returned into *Chancery* before time appointed for meeting of Parliament.

By Sect. 11, on death or legal disability of one of the Sixteen Peers to sit, proclamation for electing another shall forthwith issue.

Stat. 6 ANN. Chap. 35. intituled,

Act for public registering all Deeds, Conveyances, Wills, and other incumbrances, that shall be made of, or that may affect any Houses, Manors, Lands, Tenements, or Hereditaments, within the East-Riding of the County of York, or the Town and County of the Town of Kingston-upon-Hull, after Sept. 29, 1708, and for rendering Register in West-Riding more complete.

[*So much thereof as relates to Members of Parliament.*]

By Sect. 32, no Register, or his deputy, shall be capable of being chosen a Member of Parliament.

Stat. 7 ANN. Chap. 20. intituled,

Act for public registering Deeds, Conveyances, Wills, and other Incumbrances which shall be made of, or that may affect, Houses, Manors, Lands, Tenements, or Hereditaments, within the County of Middlesex, after Sept. 29, 1709.

[*So much thereof as relates to Members of Parliament.*]

By Sect. 21, no Register, or his deputy, shall be capable of being chosen a Member to serve in Parliament.

Stat. 9 ANN. Chap. 5. intituled,

Act for securing Freedom of Parliaments, by further qualifying Members to sit in the House of Commons.

By Sect. 1, no person shall be capable to sit or vote as a Member, who shall not have an estate, freehold, or * copyhold, for his own life, or some greater estate

* See Stat. 31 Geo. II. chap. 14.

for his own benefit, in lands or hereditaments, over and above all incumbrances, of the annual value of six hundred pounds for every Knight of the Shire; and of 300l. for every Citizen, Burgefs, or Baron of the *Cinque Ports*; and if any person elected and returned shall not at *that* time be seized of, or entitled to, such estate, election and return shall be void.

By Sect. 2, not to extend to the eldest son, or heir apparent of a Peer, or of any person qualified to serve as a Knight of the Shire.

By Sect. 3, nor to either of the Universities.

By Sect. 4, mortgage shall not qualify, the equity of redemption whereof is in another, unless Mortgagee shall have been in possession seven years before election.

By Sect. 5, every person (except as aforesaid) who shall appear as candidate, or be proposed to be elected, shall, upon reasonable request (at time of election, or before day prefixed in writ of summons) by any other candidate, or by any two persons having right to vote, take the oath following, viz.

“ I, A. B. do swear, that I truly and *bonâ fide* have such an estate in law or equity, to and for my own use and benefit, of or in lands, tenements, or hereditaments (over and above what will satisfy and clear all incumbrances that may affect the same), of the annual value of 600l. * above reprises, as doth qualify me to be elected and returned to serve as a Member for the County of _____ according to the tenor and true meaning of the Act of Parliament in that behalf; and that my said lands, tenements, or

* The like oath “*mutatis mutandis*” as to the value of 300l. to be taken by Candidates for Cities, Boroughs, or “Barons of the *Cinque Ports*.” *Id. ib.*

here-

hereditaments are lying, or being within the parish,
township, or precinct of
or in the several parishes, townships, or precincts of
in the County of
or in the Counties of
(as the case may be)."

By Sect. 6, in case Candidate is to serve for City, Borough, or *Cinque Ports*, the oath is to be taken only as to 300l. a-year.

By Sect. 7, said oath may be administered by Sheriff, or other Officer to whom it shall appertain to take the poll, or make return, or by any two Justices ; and the said Returning Officer who shall administer the oath, is to certify the taking thereof into *Chancery* or *Queen's Bench*, within three months, under penalty of 100*l*. one moiety to Queen, and the other to such as will sue for same, to be recovered with costs in any Court of Record at *Westminster* ; and if any Candidate refuses wilfully to take the oath, his election and return shall be void.

By Sect. 8, only one shilling shall be taken for administering the oath, two for making certificate, and two for filing same, and no other fees, under penalty of 20l. recoverable as aforesaid.

Stat. 10 ANN. Chap. 19, intituled,

Act for laying Duties upon Soap and Paper; and upon chequered or striped Linnens imported; and upon printed, painted, or stained Silks, Callicoes, Linnens, and Stuffs; and upon stamped Vellum, Parchment, printed Papers, Pamphlets and Advertisements, &c. [So much thereof as relates to Members of Parliament.]

By Sect. 182, no Commissioner, Officer, or other person concerned in collecting or managing duties granted

granted by this Act, shall in any manner endeavour to persuade Elector to give, or dissuade him from giving his vote for Member of Parliament, on pain of 100l. half to informer, and half to the poor, recoverable in any Court of Record at *Westminster*, and of becoming disabled of ever bearing any office or place under the Crown.

Stat. 10 ANN. Chap. 23. intituled,

Act for more effectual preventing fraudulent Conveyances, in order to multiply Votes, for electing Knights of Shires to serve in Parliament.

By Sect. 1, every person who shall fraudulently make any conveyance on purpose to qualify to give a vote at election of Knights of the Shire *, or being privy, shall prepare same, every person who by colour thereof shall vote for Knights of the Shire, shall forfeit 40l. to be recovered with costs in any Court of Record at *Westminster*, and the conveyances shall be, as against those who executed them, free and absolute; and all securities or agreements for redeeming, defeating, or reconveying such estates, be void.

By Sect. 2, no person shall vote † for any Knight of the Shire, in right of lands, without ‡ having been in actual possession, or received the rents and profits, or entitled thereto to 40s. value to his own use, for one year, before election, unless the lands came within such time, by descent, marriage, marriage settlement, devise, or presentation to benefice, or promotion to of-

* See Stat. 18 Geo. II. chap. 18. sect. 5. 19 Geo. II. chap. 28. sect. 4.

† Or vote more than once. See Stat. 19 Geo. II. chap. 28. sect. 13.

‡ See Stat. 18 Geo. II. chap. 18. sect. 5.

face ; and if any person shall vote in such election contrary hereto, he shall forfeit * 40l. one moiety to poor where lands lie, and the other to person who sues for same, in any Court of Record at *Westminster*.

By Sect. 5, in taking poll, Sheriff, Under-sheriff, and Clerks, shall enter, not only place of Elector's freehold, but also place of his abode ; and also enter *jurat* against name of every Voter who shall take the † oath ; and Sheriff, or Returning Officer, shall, within twenty days after election, deliver over upon oath, to be administered by two next Justices, one being of the *Quorum*, unto Clerk of Peace, *all* ‡ the poll-books, without alteration ; and in Counties where more than one Clerk of Peace, original poll-book to one Clerk, and attested copies to next, to be kept among the records of the County.

By Sect. 6, Sheriff of County of *York* shall appoint seven tables for taking poll, upon election of Knights of Shire, at costs of Candidates.

By Sect. 7, Sheriff of County-palatine of *Chester*, against every election of Knights of the Shire, shall

* See Stat. 18 Geo. II. chap. 18.

† Form of which see in Stat. 18 Geo. II. chap. 18. sect. 1.

‡ In Radnorshire election, Sheriff swore Clerk, and each Candidate had two others, and five polls were taken, which were delivered to Sheriff, who carried in that only which was taken by his Clerk, as being the original poll, and the others only checks, and insisted, that the above clause of the Act, in requiring all the poll-books to be lodged, meant only when poll was taking at different booths, and that all the books made but one poll ; but Court of K. B. held, that all the books ought to have been carried in, and granted information against Sheriff for not doing it : however, upon a reference to Mr. Attorney General Willes (afterwards Lord Chief Justice of the Common Pleas), and to Sir John Strange (then Solicitor-General—afterwards Recorder of London), they reported for a “ *noli prosequi*”, the mistake not being wilful, if any. 2 Stra. Rep. 1048.

cause seven tables and no more to be provided, at costs of Candidates, within Shire-hall of Palatinate, for taking poll, viz. two at upper end, and two on each side in lower end of Hall.

By Sect. 8, if Quaker shall upon election, if required by Candidates, declare effect of Elector's oath upon affirmation, he shall be admitted to vote; and Sheriff shall enter *affirmat* against his name, and if convicted of wilful, false, and corrupt affirmation, which if made upon oath, would have been perjury, he shall incur the penalties thereof.

Stat. 12 ANN. SECT. 1. Chap. 6.

Act for better regulating Election of Members to serve in Parliament for Scotland.

By Sect. 1, no conveyance or right, whereupon infeoffment is not taken, and seizin registrated, one year before * *teste* of writs for calling new Parliament, shall, upon objection made, entitle infeofft to vote; and in case any election happen during continuance of Parliament, no conveyance or right, whereupon infeoffment is not taken one year before date of warrant for making out new writ for election, shall, upon objection made, entitle person infeofft to vote, or to be elected; and Elector suspecting person to have estate in trust for another, may require *Præses* of meeting to tender oath to Elector, which if he refuses to swear or subscribe, he shall be incapable to vote.

By Sect. 2, notwithstanding oath taken, any other objections, allowable by the Laws of *Scotiana*, may be made against Electors.

By Sect. 3, no infeoffment taken upon any redeemable right (except proper † *wadsets*, adjudications, or

* See Stat. 7 Will. III. chap. 4. sect. 1. in notes.

† See this term explained in 4 Dougl. Hist. Controv. Elect. 201.

appurifings, allowed by Act of Parliament, relating to elections in 1681) shall entitle person to vote at election in any Shire respectively.

By Sect. 4, upon issuing writs of summons for electing a Parliament, if any Shire or Stewartry wherein there is a Royal Borough, hath not then a turn or right to elect a Commissioner or Knight of the Shire for that Parliament, election of Commissioner shall be omitted in writ.

By Sect. 5, Right of heirs apparent in voting by virtue of their predecessors infeoffments, and right of husbands by virtue of their wives infeoffments, is reserved.

By Sect. 7, no husbands shall vote by virtue of their wives infeoffments, who are not heireffes, or have not right to property of lands.

Stat. 12 ANN. Sess. 1. Chap. 15. intituled,
Act for making perpetual Stat. 7 Will. III. chap. 7.

By Sect. 1, Stat. 7 Will. III. chap. 7, is made perpetual.

Stat. 1 GEO. I. Sess. 2. Chap. 4. intituled,
Act to explain Stat. 12 and 13 Will. III. Chap. 2.
[*So much thereof as relates to Members of Parliament.*]

By Sess. 1, Stat. 12 and 13 Will. III. chap. 2. shall not extend to disable any person, who at or before the accession of his Majesty King George the First to the Crown, was naturalized.

By Sect. 2, no person shall be naturalized, unless in Bill brought in for that purpose there be a declaratory clause, that the person shall not thereby be enabled to be a Member of either House of Parliament.

Stat.

Stat. 1 GEO. I. Sess. 2. Chap. 13. intituled,
Act for further securing his Majesty's Person and Government, and Succession of Crown in Heirs of late Princess Sophia, being Protestants; and for extinguishing Hopes of pretended Prince of Wales, and his open and secret A'ettors.

[So much thereof as relates to Members of Parliament.]

By Sect. 1, *Form of abjuration as altered by this clause, to be taken after demise of the late Queen, and as same is now to be taken:*

“ I, A. B. do truly and sincerely acknowledge, profess, testify, and declare in my conscience, before God and the world, that our Sovereign Lord King George is lawful and rightful King of this realm, and all other his * *Majesty's* dominions and countries thereunto belonging. And I do solemnly and sincerely declare, that I do believe † *in my conscience*, that the person pretended to be Prince of *Wales*, during the life of the late King *James*, and since his decease pretended to be, and taking upon himself the style and title of King of *England*, by the name of *James the Third*, or of *Scotland*, by the name of *James the Eighth*, or the stile or title of King of *Great-Britain*, hath not any right or title whatsoever to the Crown of this realm, or any other the dominions thereunto belonging. And I do renounce, † *refuse, and abjure* any allegiance or obedience to him. And I do swear §,

* ‘*Majesty's*’ omitted in form in which the effect of this oath is to be taken by Quakers. See Stat. 8 Geo. II. chap. 6. sect. 1.

† ‘*In my conscience*,’ omitted in effect of this oath by Quakers.

‡ Instead of ‘*refuse and abjure*,’ it is, ‘*and refuse*’ only, in said effect.

§ Instead of ‘*swear*,’ ‘*solemnly promise*,’ in said effect.

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that I will * *bear faith and true allegiance to his Majesty King George, and him will defend to the utmost of my power* against all traitorous conspiracies and attempts whatsoever, which shall be made against his person, crown, or dignity. And I will do my utmost endeavour to disclose and make known to † *his Majesty* and his successors, all treasons and traitorous conspiracies which I shall know to be against him, or any of them. And I ‡ *do faithfully promise to the utmost of my power to support, maintain, and defend the succession* of the crown against him the said *James*, and all other persons whatsoever; § *which succession* by an || Act intituled **, “An Act for the further limitation and better securing the rights and liberties of the subject,” is and stands †† *limited to the Princess Sophia, Electress and Duchess Dowager of Hanover*, and the heirs of her body, being Protestants. And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understand-

* Instead of what is marked in Italics in the text, the said effect has, ‘be true and faithful, and bear true allegiance to King George, and to him will be faithful,’ against

† To ‘King George,’ in effect.

‡ Instead of what is marked in Italics in the text, the said effect has, ‘will be true and faithful to the’

§ For ‘which succession,’ effect runs thus, ‘as the same is and stands attested by’

|| Stat. 12 and 13 Will. III. chap. 2.

** Note, that the title of another Act is here introduced in the effect, viz. “An Act declaring the rights and liberties of the subject, and settling the succession of the Crown to the late Queen Anne, and the heirs of her body, being Protestants;” and as the same by one other Act, intituled, as in the text.

†† ‘Settled and entailed, after the decease of the said late Queen, and for default of issue to the said late Queen, to the late Princess,’ &c. as in text.

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ing of the same words, without any equivocation, mental reservation, or secret reservation whatsoever. And I do make this recognition, acknowledgment, abjuration, renunciation, and promise, heartily, willingly, and truly, * *upon the true faith of a Christian.*

So help me, GOD."

By Sect. 4, every person refusing to take the oath of † abjuration, or being a Quaker, shall refuse to affirm the effect thereof (which oath and affirmation, Member last elected for County or Stewartry in Scotland, or in his absence, Sheriff or Steward's Clerk, until a person be chosen to † *precede* in said meeting, according to Stat. 3 Car. II. chap. 23. of *Scottish Acts*, intituled, "Act concerning the election of Commissioners for Shires;" shall be disabled, and after choice, person chosen to *precede* †, or any person chosen to *precede* in meeting of County or Stewartry there, in which roll for elections shall happen to be made up), shall administer, at request of Candidate, or person § present at meeting for election, before or after choosing president of meeting, making up rolls, or if Commoner for Scotland, or Commissioner to choose Burgesses for any place there.

By Sect. 16, see Stat. 13 Will. III. chap. 6. sect. 10.

By Sect. 17, if any Peer shall vote or make his proxy, not having taken and subscribed the oath of **

* These words are omitted in the effect.

† See the form thereof, in Stat. 1 Geo. I. sess. 2. chap. 13. sect. 1.

‡ So in the original record; for the above clause of the Act hath been examined thereby.

§ This liberty to total strangers to the business, seems rather too general.

|| See Stat. 13 Will. III. chap. 6. sect. 11.

** See sect. 1. of this Act.

abjuration, he shall be disabled to vote at any election; or to sue at law, or in equity; or to be Guardian, Executor, Administrator; and incapable of any legacy or deed of gift; or to be in any office in *Great-Britain*; and shall forfeit 500*l.* to him who will sue for the same, by summary complaint, before Court of Session or Justiciary in *Scotland*.

Stat. 1 GEO. I. Sess. 2. Chap. 56. intituled,
Act to disable any Person from being chosen Member of, or from sitting and voting in House of Commons, who has any Pension for any number of years from the Crown.

By Sect. 1, no person having any * pension from Crown, of any term of years, either in his own name, or in trust for him, shall be capable of being elected a Commoner.

By Sect. 2, if any such pensioned person shall presume to sit or vote, he shall forfeit 20*l.* with costs, for every day in which he shall so sit, to him who sues in Court of Record at *Westminster*.

Stat. 3 GEO. I. Chap. 8. intituled,
Act for redeeming several Funds of the Governor and Company of the Bank of England, pursuant to former provisos of redemption, &c. &c. &c.

[*So much thereof as relates to Members of Parliament.*]

By Sect. 43, no Member of the Bank, for any thing in this Act contained, shall be disabled from being a Parliament-man.

* See Resolution of Nov. 13, 1763.

Stat. 3 GEO. I. Chap. 9. intituled,
Act for redeeming the yearly Fund of the South-Sea Company, and settling on the said Company a yearly Sum redeemable by Parliament, &c.

[*So much thereof as relates to Members of Parliament.*]

By Sect. 7, no Governor, Sub-governor, Deputy-governor, or Member of the South * Sea Company, by reason of his being a Member of the said Company, or of any matter herein contained, shall be disabled from continuing, or from being elected, or serving as a Member of Parliament.

Stat. 6 GEO. I. Chap. 18. intituled,
Act for better securing certain Powers and Privileges intended to be granted by his Majesty, by two Charters for assurance of Ships and Merchandizes at Sea; and for lending Money upon Bottomry; and for restraining several extravagant and unwarrantable practices therein mentioned.

[*So much thereof as relates to Members of Parliament.*]

By Sect. 10, no person, who shall be Governor, Director, or other Officer, belonging to the Corporations for insuring ships, &c. shall for that cause only be disabled from being a Member of Parliament.

Stat. 7 GEO. I. Chap. 28. intituled,
Act for raising Monies upon the Estates of the late Sub-governor, Deputy-Governor, Directors, Cashiers, Deputy-Cashiers, and Accomptant of the South-Sea Company, &c. &c.

[*So much thereof as relates to Members of Parliament.*]

By Sect. 1, Sub-governor, &c. disabled from sitting or voting in Parliament.

* But see Stat. 7 Geo. I. sess. 1. chap. 28. sect. 1.

Stat. 8 GEO. I. Chap. 6. intituled,

Act for granting People called Quakers such forms of affirmation or declaration as may remove the difficulties which many of them lie under.

[*So much thereof as relates to Members of Parliament.*]

By Sect. 1, Form of declaration of fidelity appointed to be made and subscribed by Quakers.

“ I, A. B. do solemnly and sincerely promise and declare, that I will be true and faithful to King George; and do solemnly, sincerely, and truly profess, testify, and declare, that, * &c.”

Form in which the effect of the abjuration oath is to be taken by Quakers.

“ I, A. B. do solemnly, sincerely, and truly acknowledge, profess, testify, and declare, that King George, † &c.”

Form appointed in which effect of Freeholder's oath is to be administered to Quakers.

“ I, A. B. do solemnly, sincerely, and truly declare and affirm.”

* Verbatim, with oath of supremacy appointed by Stat. 1 Will. and Mar. chap. 1. sect. 7. which see; except that “ So help me, GOD,” is to be omitted.

† Verbatim, with abjuration, as altered by Stat. 1 Geo. I. sess. 2. chap. 13. sect. 1. to be taken after demise of the late Queen Anne; and as same is now to be taken, except as thereby excepted; which see in our notes to the said abjuration.

Stat. 11 GEO. I. Chap. 18, intituled,
Act for regulating Elections within the City of London, and for preserving the Peace, good Order, and Government of the said City.

[*So much thereof as relates to Members of Parliament.*]

By Sect. 1, upon every election of Citizens for London, presiding Officers shall, in case of poll being demanded by any Candidate, or two Electors, appoint Clerks to take same in presence of presiding Officer, and be sworn by him, truly and indifferently to take same, and to set down name of each voter, and his place of abode, and for whom he shall poll, and to poll no person not sworn, or being a Quaker, shall not affirm, according to this Act; and every person, before he polls, shall take the following oath, or being a Quaker, shall solemnly affirm to the effect thereof; and refusing or neglecting to take the oath, or being a Quaker, affirmation, makes the poll or vote of such person void.

Form of Liveryman's oath.

" You do swear, that you are a Freeman of London, and a Liveryman of the Company of
 and so have been for the space of twelve Calendar months; and that the place of your abode is at
 in
 and that you have not polled at this election.

So help you, GOD."

By Sect. 2, all persons having right to vote, shall (if required by any Candidate, or two Electors) take the
 * oaths for security of his Majesty's person or government, or being a Quaker, affirm the † effect thereof;

* Which see in Stat. 1 Geo. I. sess. 2. chap. 13. sect. 1.

† Id. ib.

and if presiding Officer or Clerk (who is hereby empowered to administer oaths) offend, he shall forfeit 60l. besides costs.

By Sect. 3, taking false oath or affirmation, or suborning thereto, subjects offender to the penalties of wilful and corrupt perjury at *common law*.

By Sect. 4, presiding Officer shall begin poll day demanded, or next day, and proceed therein till finished, which shall be on election by Liverymen, within seven days; and shall, upon adjourning poll on each day, seal up books in presence of the Candidates, or their Deputies as desire same; and poll-books shall not be opened but at time and place of meeting; and after poll finished, the books thereof shall within two days be opened at place of election, and cast up; and within two days after that, number of voters shall be declared at place of election; and if scrutiny demanded, same shall be granted, and Candidates shall nominate presiding Officers any number of persons qualified to vote, not exceeding six, to be Scrutineers; to whom presiding Officer shall, within six days, upon request and at charge of Candidates or Scrutineers, deliver copy, signed by Officers of the poll; and Scrutineers upon election shall begin within ten days after delivery of copies of the polls, which shall be proceeded upon day by day, and finished within 15 days after commencement; and presiding Officers shall, within four days after finishing scrutiny, declare at place of election which Candidate is duly elected, and number of legal votes for each; and if presiding Officer or other person shall offend, he shall forfeit 200l. with costs, besides all other penalties.

By Sect. 5, after election and scrutiny, presiding Officer shall deliver under his hand list of voters disallowed to any Candidate, within six days after demand,

mand, he paying for same, and not giving it in evidence.

By Sect. 6, Mayor of *London*, on request of Candidate or Agent, where scrutiny is granted, shall issue precepts, requiring Masters and Wardens of the Livery Companies to return two lists of the Liverymen of their Companies, who shall return them upon oath, within three days after receipt of precepts; one list Mayor shall deliver to Candidate on each side, or their Agents.

By Sect. 14, no Liveryman shall vote, not upon the Livery twelve calendar months, or not paid his Livery fine; or received same or part thereof back again; or had any allowance in respect thereof; nor who has within two years next before requested to be, and been discharged from taxes, or received within that time * alms.

By Sect. 20, Forfeitures to be one-third to the King, one to the Chamberlain for the City, and remainder to prosecutor suing within six months after incurred.

By Sect. 21. to be deemed a public Act.

Stat. 2 G E O. II. Chap. † 24. intituled,
Act for more effectual preventing Bribery and Corruption, in election of Members to serve in Parliament.

By Sect. 1, upon every election of Commoner, every Freeholder, Citizen, Freeman, Burgefs, or person

* See Resolutions, dated respectively, Jan. 8, 1689; Jan. 28, 1693—96; Feb. 7, 1698—99; Jan. 28, 1702—03; Jan. 18, 1708; Dec. 2, 1708; Dec. 15, 1709; July 28, 1715; Jan. 23, 1722—23; May 13, 1728; March 8, 1735; and Feb. 11, 1747—48.

† This Act is not confined only to Candidates and persons employed by them, but extends to all persons whomsoever, the words being as plain and as general as possible. Andr. Rep. 249.

having

44 EXTRACTS FROM THE STATUTES.

having right to vote, shall, before admitted to poll, take the following * oath (or being a Quaker, make following affirmation), in case same be demanded by either of the Candidates, or two Electors; and no person shall be admitted to poll till he has taken the oath, if demanded, before Returning Officer, or his legal Deputies.

Electors's oath above referred to.

" I, A. B. do swear (*or being one of the people called Quakers, I, A. B. do solemnly affirm*), I have not received, or had by myself, or any person whomsoever in trust for me, or for my use and benefit, directly or indirectly, any sum or sums of money, office, place, or employment, gift, or reward, or any promise or security for any money, office, employment, or gift, in order to give my vote at this election, and that I have not before been polled at this election.

So help me, GOD."

By Sect. 2, if Returning Officer shall admit polling without oath or affirmation, if demanded, he shall forfeit 100l. with costs; and person voting without oath or affirmation, shall incur *like* penalty.

By Sect. 3, every Returning Officer shall immediately after reading writ or precept for election, take and subscribe following † oath, which any Justice of place where election is made, or in his absence, three Electors may administer, and same is to be entered among records of Sessions.

* It might not be amiss, in the opinion of a late Judge, if the Members elected were bound to take this oath, as well as that of abjuration; which in all probability would be much more effectual than administering it only to Electors. Black. Com. Vol. I. 173, 174.

† Repealed as to Scotland. See Stat. 16 Geo. II. c. 11. sect. 38.

Form

Form of * oath above referred to.

I, A. B. do solemnly swear, that I have not, directly or indirectly, received any sum or sums of money, office, place, or employment, gratuity, or reward; or any bond, bill, or note; or any promise or gratuity whatsoever, either by myself, or any other person, to my use, benefit, or advantage, for making any return at the present election of Members to serve in Parliament; and that I will return such person or persons as shall, to the best of my judgment, appear to me to have the majority of the legal votes."

By Sect. † 4, votes shall be deemed legal which have been so declared by last determination of House of Commons, which determination shall be ‡ final.

* See note in preceding page.

† See Dougl. Hist. Controv. Elect. 81, 82.

‡ Douglas thinks, that it may be fairly asserted, that the Legislature itself, by this clause of the Statute, hath declared and established the authority of precedents, in matters of election law; for what (says he) is the meaning of making the last determination of the House final? Is it not saying, that an adjudged point (however improperly adjudged at first), shall be conclusive and binding in all succeeding cases? And this too regards the most important of all points that could come before the House in its judicial capacity, viz. the right of election. Ought not the Committees (continues the same able Writer), under Stat. 10 Geo. III. chap. 42. and 14 Geo. III. chap. 13. to give more particular weight to resolutions and decisions of preceding Committees, on questions concerning the right of elections, as the only means of preserving the spirit of 2 Geo. II. c. 24. which otherwise will be lost, with all its advantages, and in a manner repealed by 10 Geo. III. chap. 16. as far as concerns the 'maiden' Boroughs: for it is probable, that since this Act passed, there will be few or no determinations of the House on that right, in places which still continue what are called 'maiden' Boroughs; for such determinations can hardly

44 EXTRACTS FROM THE STATUTES.

By Sect. 5, if Returning Officer, or person taking oath, or making affirmation, shall falsely swear or affirm, he shall suffer the pains of wilful and corrupt perjury.

By Sect. 6, no person committed for perjury, or subornation thereof, shall be capable of voting in any election of Members to serve in Parliament.

By Sect. * 7, if any person who shall claim a right to vote, receive any money or other reward, or agree for any money, gift, office, employment, or other reward, to vote, or forbear to vote; or if by any gift or reward, or by promise or security for same, corrupt, or procure any person to vote, offender shall forfeit 500*l.* with costs, and be for ever disabled to vote, or

hardly be made, unless in consequence of a special report on the subject, from a Committee to the House, which are not likely to be very frequent; and therefore surely nothing was farther from the intention of Mr. Geo. Grenville (who penned and introduced Stat. 10 Geo. III. chap. 16. into the House. Dougl. Hist. Controv. Elec. Introduct. 17.), or of the Parliament that passed it. Id. 33.

* In action on this clause of the Statute, for bribery, it hath been held, that the briber may recover against the briber, Lofft's Rep. 347; that person who received bribe is competent witness to prove giving it, Say. Rep. 290, 291; and that person who has taken oath may be witness of bribe given, 4 Dougl. Hist. of Controv. Elect. 258. See 4 Bur. Rep. 2283, 2469, 2499, 2501. Bribery is within this clause of statute, though the party bribed does not forbear to vote, but each votes contrary to his engagement; that the party bribed did actually give or forbear his vote, need not be alledged in the declaration. See 3 Bur. Rep. 1236, 1338, 1588. Wils. Rep. C. B. 298. See 3 Wils. Rep. 38. 4 Dougl. Hist. Controv. Elect. 294, 295. In action on this clause of Statute, for bribing person to give his vote, it is not necessary to prove, that person bribed had a vote. Wils. Rep. C. B. 397. Commons resolved Candidate duly elected, tho' convicted on this clause of Statute, and that proved. See Resolution, dated Feb. 9, 1746.

to hold any office in any City, Borough, or *Cinque Ports*.

By Sect. 8, if offender shall, within twelve months after election, discover another offender, and he be convicted, first offender not convicted, shall be * indemnified.

By Sect. 9, every Returning Officer shall, at time of election, immediately after reading writ or precept, cause this Act to be read before Electors, and same shall be read once a-year, at Quarter-Sessions next after *Easter*; and at election of Chief Magistrate in every Borough, town corporate, or *Cinque Ports*.

By Sect. 10, every Returning Officer shall forfeit 50l. with costs, for every offence.

By Sect. 11, no incapacity or penalty, unless prosecution within † two years after same, and carried on without delay.

Stat. 7 Geo. II. Chap. 16. intituled,

Act for the better regulating the Election of Members to serve in the House of Commons, for that part of Great-Britain called Scotland; and for incapacitating the Judges of the Court of Session, Court of Justiciary, and Barons of the Court of Exchequer in Scotland, to be elected, or to sit or vote as Members of the House of Commons.

By Sect. 1, if Clerk of meeting of Freeholders for election of Commissioner for Shire or Stewartry in

* In like manner the Julian Law, 'de ambitu,' inflicts fines and infamy upon all who were guilty of corruption at elections; but if person guilty convicted another offender, he was restored to his credit. Black. Com. Vol. I. 173. See 4 Bur. Rep. 2269. Say. Rep. 290, 291.

† See Stat. 9 Geo. II. chap. 38. sect.

Scotland,

Scotland, shall wilfully return to Sheriff or Steward other person than him duly elected; or if other person pretending to be Clerk, though not duly elected, presume to act as Clerk, and wilfully return to Sheriff person as elected; not duly elected by the major part of such meeting; offender shall for every such offence forfeit 500l. sterl. to be recovered by the Candidate so elected, to whose prejudice such false return is made, as by sect. 8. directed.

By Sect. 2, every Freeholder who shall claim to vote at election by reason of his estate in *Scotland*, or who shall have right to vote in adjusting the rolls of Freeholders, instead of the oath appointed by Stat. 12 Ann. sess. 1. chap. 6. shall, upon the request of any Freeholder formerly inrolled, before he proceed to vote, or on adjusting the rolls, take and subscribe, upon a roll of parchment to be provided and kept by the Sheriff, or Steward's Clerk, the oath following, to be administered by Praeses or Clerk to meeting, either for inrollment or election; that is to say,

“ I, A. B. do in the presence of God declare and swear, that the lands and estate of _____ for which I claim a right to vote in the election of a Member to serve in Parliament for this County or Stewartry, is actually in my possession, and do really and truly belong to me, and is my own proper estate, and is not conveyed to me in trust, or for or in behalf of any other person whatsoever; and that neither I, nor any person to my knowledge, in my name, or on my account, or by my allowance, hath given, or intends to give, any promise, obligation, bond, back-bond, or other security whatsoever, other than appears from the tenor and contents of the title, upon which I now claim a right to vote, directly or indirectly, for re-disposing or re-conveying the said lands

lands and estate in any manner of way whatsoever, or for making the rents or profits thereof forthcoming to the use or benefit of the person from whom I have acquired the said estate, or any other person whatsoever; and that my title to the said lands and estate is not nominal or fictitious, created or reserved in me, in order to enable me to vote for a Member to serve in Parliament; but that the same is a true and real estate in me, for my own use and benefit, and for the use of no other person whatsoever; and that is the truth, as I shall answer to God."

And in case he shall refuse, if required, to take and subscribe the oath aforesaid, his vote shall not be admitted, and his name shall be erased out of the roll of Freeholders; and in case any person shall presume falsely to swear and subscribe the said oath, he shall incur the pains and punishment of perjury, and be prosecuted for the same according to the laws of *Scotland*.

By Sect. 3, no Judge of the Court of Session, or Justiciary, or * Baron of the Court of Exchequer in *Scotland*, capable of being elected, or of sitting or voting as a Member of the House of Commons.

By Sect. 4, Sheriffs and Stewards in *Scotland* shall, within four days after receipt of writ, issue their precepts to the several Boroughs within their jurisdiction to elect their delegates, and shall cause the same to be delivered to the Chief Magistrate of such Borough resident in the Borough; and such Chief Magistrate shall, within two days after his receipt of the same, summon the Council of the Borough together, by giving notice personally, or leaving same at the dwelling-place of every Councillor then resident in such

* See Resolution of Mar. 9, 1727; and of Mar. 27, 1777.
Borough,

Borough, which Council shall then appoint a peremptory day for the election of the Delegate ; but two days shall intervene betwixt the meeting of the Council which appoints the day of election of the Delegate, and the day on which the election of the Delegate be made.

By Sect. 5, at annual election of Magistrates and Councillors for Boroughs, no Magistrates or Councillors, or any number of them, shall take upon them to separate from the majority of the Magistrates and Councillors, who have been such for the year preceding, and to appoint or elect separate Magistrates or Councillors, but shall submit to the election, and to the Magistrates and Councillors appointed by the majority of the Town-Council assembled ; and if any number of Magistrates or Councillors shall, in opposition to the majority, take upon them to make a distinct and separate election of Magistrates and Councillors, their act and election shall be *ipso facto* void ; and every Magistrate or Councillor who concurred therein, shall forfeit one hundred pounds sterl. to be recovered by the Magistrates and Councillors from whom they separated, as by Sect. 8. directed.

By Sect. 6. any Magistrate or Councillor of the Borough, who apprehends any wrong was done at any annual election, may bring his action before the Court of Session in *Scotland*, for rectifying such abuse, or for making void the whole election (if illegal), only within the space of eight weeks after such election is over ; and the Lords of Session shall hear and determine the cause summarily, and allow to the party that shall prevail their full costs of suit.

By Sect. 7, every Sheriff or Steward in *Scotland*, who shall wilfully annex to the writ false or undue return ; and every common Clerk of presiding Borough, who shall wilfully return to Sheriff or Steward
other

other person than elected; or who shall neglect or refuse to return person duly elected, shall forfeit five hundred pounds sterl. to the person entitled to have been returned, and not returned; to be recovered from Sheriff, Steward, or common Clerk, their heirs, executors, or administrators respectively, in a summary way, by action, petition, or summary complaint, before the said Court of Session, upon service of such summons, or of copy of such petition or summary complaint, on fifteen days notice, without abiding the course of any rolls, or further delay whatsoever; which action, petition, or complaint, the Judges of the said Court are to judge of, and determine with all convenient speed. Provided always, that such action, petition, or complaint be commenced, presented, or made within six months after return made. And in case the person duly elected, and not returned, shall neglect or omit to sue for the said penalty within the time before mentioned, then any Freeholder within the Shire or Stewartry, or any Magistrate or person bearing office in any of the Boroughs of the district for which the return is unduly made, may sue for and recover the same to his own use, by such action, petition, or complaint as before-mentioned, with double costs of suit: Provided always, that such Freeholder, Magistrate, or person bearing office, shall commence or bring such action within twelve months after return is made.

By Sect. 8, every penalty, with respect to the recovery of which no particular provision is before made, shall be sued for, and recovered by way of summary complaint before the Court of Session in *Scotland*, upon fifteen days notice to the person complained of, without abiding the course of any roll; which said complaint the Court of Session is to determine with all convenient speed.

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By Sect. 9, every Freeholder in *Scotland* shall, before he be either inrolled or admitted to vote in any question for the choice of Clerk or Præses, or other question whatsoever (if required by any Freeholder present), be obliged to take and subscribe the oaths appointed by law to be taken by Electors of Members to serve in Parliament, when required so to do; same to be administered by Præses or Clerk of the meeting.

By Sect. 10, Boroughs to continue to preside in the course they are now in; and Borough of *Wigtown* to preside at the election of a Member to represent that district in the next Parliament; and that the other Boroughs of the district preside afterwards in the method prescribed by the Act of Parliament of *Scotland*, made in the fourth Session of the first Parliament of *Queen Anna*, intituled, "An Act for settling the manner of electing the sixteen Peers, and forty-five Commoners, to represent *Scotland* in the Parliament of *Great-Britain*."

Stat. 8 GEO. II. Chap. 30. intituled,

Act for public registering all Deeds, Conveyances, Wills, and other Incumbrances that shall be made of, or that may affect, any Houses, Manors, Lands, Tenements, or Hereditaments, within the North-Riding of the County of York, after Sept. 29, 1736.

[*So much thereof as relates to Members of Parliament.*]

By Sect. 37, no Register, or his Deputy, shall be capable of being chosen a Member of Parliament.

Stat. 8 GEO. II. Chap. 30. intituled,
*Act for regulating the Quartering of Soldiers during
the Election of Members to serve in Parliament.*

By Sect. 1, as often as any election of any of the Peers to represent the Peers of *Scotland* in Parliament, or of the Members to serve in Parliament, shall be appointed, the Secretary at War, or such person who shall officiate in his place, shall at some convenient time before the day appointed for election, issue forth proper orders in writing for the removal of all such soldiers as shall be quartered in place where election shall be appointed, one day at least before day appointed for same, to two three or more miles distance, and not to make any nearer approach, until one day at least after the poll to be taken at such election shall be ended, and the poll-books closed.

By Sect. 2, in case the Secretary at War, or person who shall officiate in his place, neglect or omit to send such orders, and shall be convicted upon indictment at next assizes, or Sessions of *Oyer and Terminer*, for the County where offence committed; or on an information in King's Bench, within six months after offence, such Secretary at War, or person who shall officiate in his place, shall be discharged from their offices, and be utterly incapable to hold any office or employment, civil or military, in his Majesty's service.

By Sect. 3, not to extend to *Westminster*, or *Southwark*, in respect of the Guards, nor to any place where his Majesty, or any of his Royal Family shall happen to be or reside at the time of election, in respect of soldiers only as shall be attendant as Guards; nor to any castle, fort, or fortified place, where any garrison is usually kept.

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By Sect. 4, not to extend to any Officer or soldier who shall have a right to vote at election ; but that he may freely give his vote.

By Sect. 5, Secretary at War, or person who shall officiate in his place, shall not be liable to any forfeiture or incapacity for not sending such order, upon election, on a vacancy, unless notice of the writ shall be given to him by proper Officer.

Stat. 9 GEO. II. Chap. 38. intituled,

Act to explain and amend so much of Stat. 2 Geo. II. Chap. 24. as relates to the commencing and carrying on of prosecutions, grounded upon the said Act.

By Sect. 1, no person shall be made liable to any incapacity, disability, forfeiture, or penalty, by virtue of Stat. 2 Geo. II. chap. 24. sect. 11. unless actually and legally arrested, summoned or otherwise served with process within two years after offence, so as service be not prevented by absconding or withdrawing out of kingdom.

Stat. 15 GEO. II. Chap. 22. intituled,

Act to exclude certain Officers from being Members of the House of Commons.

By Sect. 1, no * Commissioner of the † revenue in Ireland, or of the ‡ Navy, or Victualling § Office, nor any Deputies or Clerks therein ; or in the offices of the Treasury, Auditor of Receipt, Tellers, or Chan-

* See Resolution, dated June 15, 1716.

† See Resolution, dated Dec. 19, 1759.

‡ See Resolution, dated May 9, 1738.

§ See Resolution, dated May 19, 1736.

cellor of the *Exchequer* *, Admiralty, Paymasters of the Army † or ‡ Navy; principal § Secretaries of State; Salt or || Stamp; or of Appeals; Wine Licences; Hackney Coaches; or of ** Hawkers or Pedlars; nor any persons having any office civil or military in †† *Minorca* or †† *Gibral'tar*, other than Officers having commissions in any regiment there only, shall be capable of being elected, or of sitting or voting as Members of the House of Commons.

Stat. 16 G E O. II. Chap. 11. intituled,

Act to explain and amend the Laws touching the Election of Members to serve for the Commons in Parliament for Scotland; and to restrain the partiality, and regulate the conduct of Returning Officers at such Elections.

By Sect. 2, persons upon roll last made up by Freeholders, whether at *Michaelmas* meeting, or at last *Parliamentary* election, shall be the original constituent Members at next *Michaelmas* meeting, or for such election, to revise said roll.

By Sect. 3, any Freeholder upon the roll may object to the title of any person who stands at present upon the roll last made up, and for that purpose apply at any time before the first of *December*, 1743, by summary complaint to the Court of Session, who shall grant a warrant for summoning such persons upon

* See Resolution, dated Feb. 9, 1710.

† See Resolution, dated May 9, 1738, and May 16, 1738.

‡ See Resolution, dated June 2, 1762.

§ See Resolution, dated Feb. 10, 1698, and May 22, 1736.

|| See Resolution, dated Feb. 14, 1698, and Jan. 26, 1741.

** See Resolution, May 15, 1735, Dec. 22, 1743, Dec. 27, 1766.

†† See Resolution, dated May 15, 1735, and April 19, 1762.

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thirty days notice, and shall in a summary way hear and determine such complaint ; and if no such complaint be exhibited within the time aforesaid, then no Freeholder who at present stands upon the rolls last made up, shall be struck off, or left out of the roll, except upon objections arising from the alteration of that title in respect of which he was inrolled, sustained by the other Freeholders upon the roll.

By Sect. 4, if at any *Michaelmas* meeting, or meeting for election, any person shall, by judgment of the Freeholders, be refused to be admitted, or be struck out of the roll, he may apply within four calendar months by summary complaints to the Court upon whose objection he was refused or struck off, upon thirty days notice to answer, and shall hear and determine in a summary way on such complaint ; and if any person be inrolled, whose title shall be thought liable to objections, any Freeholder upon the said roll (whether present at the meeting or not) may apply in like manner by complaint to the Court of Session within four calendar months ; and the said Court, after service of such complaint, on fifteen * days notice upon the person said to be wrongfully admitted to the roll, shall hear and determine ; and if no such complaint be exhibited within the time aforesaid, the Freeholder inrolled shall continue upon the roll, until an alteration of his circumstances, to be allowed by the Freeholders at a subsequent *Michaelmas* meeting, or meeting for election, appears as a sufficient cause for striking him out of the roll.

By Sect. 5, if in any of the aforesaid cases the judgment of the Court of Session shall alter or reverse the determination of the meeting of the Freeholders, the

* See Stat. 14 Geo. III. chap. 81. sect. 1.

Sheriff or Steward's Clerk shall, upon presenting to him the extract of such judgment, forthwith make the alteration directed in the books kept by him ; and in case of refusal or delay, he shall forfeit one hundred pounds sterl. to the person in whose favour the judgment of the Court is given, to be recovered by him or his executors.

By Sect. 6, if the judgment of the Freeholders refusing to admit, or striking off any persons from the said roll, be affixed by the Court of Session, the person complaining shall forfeit to the objector the sum of thirty pounds sterl. with costs.

By Sect. 7, every Freeholder, who intends to claim to be inrolled at any *Michaelmas* meeting of the Freeholders, shall, two calendar months at least before the said meeting, leave with the Sheriff, or Steward's Clerk, a copy of his claim, setting forth the names of his lands and his titles thereto, and dates thereof, with the old extent upon which he desires to be inrolled ; and in case of his neglect, he shall not be inrolled at such meeting : and in like manner, whoever intends to object to any Freeholder, who stands upon the roll, on account of the alteration of his circumstances, shall, at least two calendar months before the *Michaelmas* meeting, leave his objections in writing with the Sheriff or Steward's Clerk, who shall, upon receipt of the aforesaid claim or objections, indorse thereon the day he received the same, and also give a copy to any person, upon paying the legal fee of an ordinary extract of the same length.

By Sect. 8, no person shall be entitled to vote for a Commissioner to serve in Parliament for any Shire or Stewartry in *Scotland*, or to be inrolled in respect of the old extent of his lands holden of the King or Prince, unless such old extent is proved by a retour of the lands of a date prior to the 16th of *September*,

1681; and no divison of the old extent made since the 16th of *September*, 1681, by retour or any other way, shall be sustained as evidence of the old extent.

By Sect. 9, lands holden of the King or Prince liable in public burdens for four hundred pounds Scots, of valued rent, shall be a sufficient qualification, whatever be the old extent of the said lands.

By Sect. 10, no purchaser or single successor shall be inrolled till publicly infeoff, and his seizin registered, or charter of confirmation be expedie one year before inrollment; and no heir apparent shall be inrolled, until his predecessor's titles are produced and allowed by the Freeholders; and any person may be inrolled, tho' absent, provided the titles and vouchers of his qualifications are produced before the Freeholders. If any person be chosen for *Scotland*, who shall not be present at meeting, Member before he sits in Parliament shall take oath appointed by Stat. 7 Geo. II. chap. 16. sect. 2. before Lord Steward of Household, or any person by him authorized; and if * Member does not take said oath, election shall be void.

By Sect. 11, at the annual meetings of Freeholders at *Michaelmas*, the original constituent Members shall be such only as stand upon the roll last made up, at a *Michaelmas* meeting for an election of a Member; and a copy signed and extracted of the roll made up at the *Michaelmas* meetings, or meetings for elections, together with the minutes of the proceedings, shall, by the Clerks thereof, be delivered to the Sheriff or Steward's Clerk gratis, and shall be inserted in books to be kept by the said Sheriff or Steward's Clerk for

* See Stat. 13 Will. III. chap. 6. sect. 10, 11, 1 Geo. I. sess. 2. chap. 13. sect. 17.

that purpose, who shall deliver copies of the same extracted and signed to any Freeholder paying the legal fee for an extraordinary extract of the same length, and shall at every subsequent meeting produce the said books, for the use of the Freeholders; and in case he shall not enter the aforesaid rolls of election, or minutes into books, or give such copies thereof, or produce the books, he shall for every such offence forfeit one hundred pounds sterl. to be recovered by any Freeholder within such Shire or Stewartry; and if the aforesaid principal books be not produced, a copy of the said roll and minutes, extracted and signed by the Sheriff or Steward's Clerk, shall be sufficient; and if the Sheriff or Steward's Clerk give false copies of the said roll or minutes, he shall for every such offence forfeit one hundred pounds sterl. to the person to whom the false copy is given, to be recovered as aforesaid, and shall be incapable of holding his said office.

By Sect. 12, at every election for any Shire or Stewartry in *Scotland*, the roll of Electors last made up, whether at the *Michaelmas* meeting, or at the last election, shall be the roll to be called over by the Commissioner last elected, or in his absence by the Sheriff or Steward's Clerk, in order to the election of *Præses* and Clerk, as also by the *Præses* after he is chosen, for the choice of the Member, and for the determination of all questions in adjusting the roll, and in the course of the election, excepting so far as the said roll shall, after the choice of *Præses* and Clerk, be altered by judgment of the Freeholders standing on that roll.

By Sect. 13, at every meeting for election of Commissioner, if the last elected, or in his absence Sheriff or Steward's Clerk shall, in choice of *Præses* or Clerk, receive vote of any person not upon roll, he shall, for every

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every offence, forfeit 300l. sterl. to Candidate for *Præses* or Clerk, for whom such person shall not have given his vote; or if Commissioner last elected, or Sheriff, or Steward's Clerk, shall in such choice not call for, or refuse vote of name of roll, he shall for every offence forfeit 300l. sterl. to person whose name shall not be called for, or whose vote is refused, to be recovered by him or executors; and if *Præses* in election of Member receive vote of person not upon roll, he shall for every offence forfeit 200l. sterl. to every Candidate for whom such person shall not have given his vote, recoverable as aforesaid; or if *Præses* in such election shall not call for, or refuse vote of name on roll, he shall for every offence forfeit 200l. to him whose name shall not be called for, or whose vote shall be refused, recoverable as aforesaid; and in case of equality of votes in such choice, Commissioner last elected, and in his absence, any Freeholder present who last represented Shire or Stewartry in former Parliaments; and if no such person present, Freeholder present who presided last at meeting for election, and in his absence, Freeholder who last presided at *Michaelmas* meeting; and if none of them present, Freeholder present who stands first on roll, shall, besides their own votes, have casting vote; and *Præses* chosen shall, in choice of Commissioner, and on all other questions where votes are equal, in like manner besides his own vote, have casting vote.

By Sect. 14, the person chosen by the majority of the Freeholders present on the said roll, shall be *Præses* and Clerk of the meeting for such election; and no Freeholders shall separate from the majority of the persons present upon the roll, or set up any person as *Præses* or Clerk other than those chosen by the majority, and no person shall act as such at any such election, unless they are chosen by the majority of the

persons on the roll; and every Freeholder who shall so separate from the majority, and set up any person as *Præses* or Clerk other than those chosen by the majority, shall for every such offence forfeit fifty pounds sterl. to the Candidate who shall be chosen by the majority, to be recovered as aforesaid; and if any person presume to act as *Præses* or Clerk who is not chosen by the majority of the Freeholders present on the roll, he shall for every such offence forfeit two hundred pounds sterl. to the Candidate who shall be chosen by the majority to be recovered as aforesaid.

By Sect. 15, Commissioner last elected, or in his absence, Sheriff or Steward's Clerk shall sign minutes of election of *Præses* or Clerk, and deliver same to Clerk chosen as aforesaid; and if such Commissioner, Sheriff, or Steward's Clerk does not sign said minutes and deliver same as aforesaid, or sign false minutes, he shall for every offence forfeit 100l. sterl. to *Præses*, to be recovered as aforesaid.

By Sect. * 16, if Clerk of meeting of Freeholders for election of Commissioner for Shire or Stewartry in *Scotland*, shall wilfully return to Sheriff or Steward person not duly elected; or if person pretending to be Clerk shall return one not duly elected, he shall forfeit † 500l. to Candidate elected.

By Sect. 17, every Sheriff or Steward in *Scotland*, upon producing to him copy of roll last made up by the Freeholders at the last *Michaelmas* meeting, or at the last election, extracted and signed by the Sheriff or Steward's Clerk, and the original minutes of the election of *Præses* and Clerk signed by the Commissioner last elected, or in his absence, by the Sheriff or Steward's Clerk, he shall annex to the writ the return

* See Stat. 7 Geo. II, chap. 16. sect. 1.

† See Stat. 16 Geo. II, chap. 11. sect. 30.

made by the Clerk, chosen by the majority of the Freeholders on the roll; and if any Sheriff or Steward neglect or refuse to annex to the writ such return, or shall annex the return made by any other person pretending to be Clerk, he shall for every such offence, instead of the penalty inflicted by 7 Geo. II. chap. 16. sect. 1. forfeit five hundred pounds sterl. to the person returned by the Clerk, and chosen by the majority of the Freeholders, to be recovered as afore said.

By Sect. 18, every Sheriff or Steward in *Scotland* shall hold the *Michaelmas* Head Court on the day on which it has been most usually held, and shall, fourteen days before *Michaelmas* next, appoint a day for holding his *Michaelmas* Head Court, in the year 1743; and the day so appointed before *Michaelmas* next, shall be the anniversary for holding the *Michaelmas* Head Court of the said Shire or Stewartry in all time coming.

By Sect. 19, in Shire of *Sutherland*, no person shall vote at election, unless in seofft and in possession of lands liable to supplies and other public burthens, at rate of 200l. *Scots* valued rent.

By Sect. 20, one person only shall be entitled to * *vote* in respect of same lands; and where lands are now holden by any Freeholder immediately of King or Prince, he shall be entitled to * *vote* for those lands; and no vassal or sub-vassal of the said Freeholder shall have a right to * *vote* in respect thereof; and where lands are now holden, or shall hereafter be holden of King or Prince, or by a Peer or other person, or Body Politic, who by law are disabled to be a Mem-

* There is the like provision in this clause in respect of the 'elected,' as is herein in respect of the voters, and which is 'verbatim,' except that the words 'to be elected' are instead of the words 'to vote.'

ber, or to * *vote* in Parliamentary elections, proprietor of lands, and not any of his superiors, shall be entitled to * *vote* in respect thereof; and no alienation of the superiority by Peer, other person or Body Politic, incapable to elect or to be elected, shall deprive Proprietor of his right to * *vote* in the said Shire, nor entitle purchaser of superiority to * *vote* in said Shire; and property of lands of valuation aforesaid, holden in part of King or Prince, other person or Body Politic, incapable to elect or to be elected, shall be a qualification to proprietor to * *vote*.

By Sect. 21, the Freeholders and Proprietors having right to elect, or to be elected, for the Shire of *Sutherland*, shall meet at the Head Borough of the said Shire, at the *Michaelmas* Head Court in the year 1745, and shall make up a roll of the Electors having right to vote in the terms of this Act, and of the other Acts touching the election of Commissioners for Shires in *Scotland*; which roll, so made up, shall be revised yearly at the *Michaelmas* meeting, and at after elections; and the said Acts shall extend to the Shire of *Sutherland*, as well as the Shires in *Scotland*, except so far as is otherwise † provided in this Act.

By Sect. 22, at the annual † election of Magistrates and Councillors in Boroughs, and in all the proceedings previous to such election, the minority either of the Magistrates or Councillors, or Deacons, or other persons who have votes in the election of Magistrates or Councillors, shall not separate from the majority, nor make any separate election of them; and if any person elected by the minority presume to vote in such election, or in any other step of the election, he shall

* See note in the preceding page.

† See sect. 19. of this Act.

‡ See Stat. 2 Geo. II. chap. 24.

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forfeit one hundred pounds sterl. to any one of the majority of such meeting.

By Sect. 23, no person elected Magistrate or Councillor by minority shall act as such; and if he does, he shall for every offence forfeit 100l. sterl. to such Magistrates or Councillors.

By Sect. 24, any constituent Member at any meeting for such election, or of any meeting previous thereto, who apprehends any wrong to have been done by the majority of such meeting, may apply to the Court of Session by a summary complaint for rectifying such abuse, or for making void the election by the majority, or for ascertaining the election by the minority, so as such complaint be presented within two calendar months after such annual election; and the said Court shall thereupon grant a warrant for summoning the Magistrates and Councillors elected by the Magistrates upon thirty days notice, and shall hear and determine the said complaint summarily, without abiding the course of any roll, and shall allow to the party who shall prevail their costs.

By Sect. 25, Magistrates and Councillors of Royal Boroughs in *Scotland* may take and subscribe oath of allegiance, subscribe assurance, and take and sign oath of abjuration, before Council of Boroughs.

By Sect. 26, at every election of Commissioners for choosing Burgesses for any district of Boroughs in *Scotland*, the common Clerk of each Borough shall make out a commission to the person chosen by the major part of the Commissioners and Town-council; which Magistrates and Town-council shall take the oath of allegiance, and sign the same with the * assurance, and shall take all the other oaths appointed to be taken at such election by this or any former Act, if required; and the said Clerk shall affix the common seal of the

* See p. 20. in notes.

Borough thereto, and sign such commission, and shall not make out a commission for any person as Commissioner, other than him who is chosen by the majority; and if any common Clerk of any Borough neglect or refuse to make out such commission, or to make out a commission to any other person, he shall, for every such offence, forfeit five hundred pounds sterl. to the person elected Commissioner, to be recovered as aforesaid, and shall suffer imprisonment for six calendar months, and be disabled to hold the said office of common Clerk of the said Borough.

By Sect. 27, if any person who is not the common Clerk of the Borough, take upon himself to act as such in any election of a Commissioner for choosing a Burgess for any District or Borough in *Scotland*, and make out a commission for any other person as Commissioner, other than the person chosen by the majority, and sign or affix the common seal of the Borough thereto, he shall for every such offence forfeit five hundred pounds sterl. to be recovered as aforesaid.

By Sect. 28, Whereas by an Act of Parliament in *Scotland*, of the fifth of *February*, 1707, it is enacted, that where the votes of the Commissioners for the Boroughs meeting to choose Representatives shall be equal, the President of the meeting shall have a casting vote, but no provision is made in case of the absence of the Commissioner from the presiding Borough, or of his refusing to vote; be it enacted, that if the Commissioner from the presiding Borough be absent from the meeting of Commissioners for choosing Burgesses to serve in Parliament, or refuses to vote, the Commissioner from the Borough which was the presiding Borough at the last election; and if he also be absent, or refuse to vote, the Commissioner from the Borough which was the presiding Borough at the election
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immediately preceding the last; and in case he be absent, or refuse to vote, the Commissioner from the Borough which was the last presiding Borough but two, shall have, besides his own vote, the casting vote.

By Sect. 29, no objection to Commissioner for choosing a Burgess, that he is not a residenter * within the Borough, bearing all portable charges with his neighbours; or that he is not trafficking merchant therein; or not in possession of Burgess lands or houses holden of the Borough; and qualifications need not be engrossed in his commission.

By Sect. 30, at all meetings of Commissioners for choosing Burgesses, common Clerks of presiding Borough shall allow votes of persons only who produce commissions, authenticated by his subscription, and common seal of Boroughs, and shall return to Sheriff or Steward person elected by major part of Commissioners. If common Clerk does not return persons or others, he shall for every offence, *instead* * of penalty inflicted by Stat. 7 Geo. II. chap. 16. sect. 1. forfeit 500l. sterling to Candidate elected by majority, recoverable † as abovesaid; and also suffer six calendar months imprisonment, and be disabled from holding his office at said presiding Borough.

By Sect. 31, every Sheriff or Steward in Scotland shall annex to writ, return made by Clerk of presiding Borough; and if either does not, or annexes to writ return made by other person, he shall for every

* The Acts relating to residence in 'England' are now all repealed.

† It seems, that 'instead of' should be 'besides.' See Stat. 7 Geo. II. chap. 16. sect. 8.

† For recovery of penalties, see Stat. 7 Geo. II. chap. 16. sect. 6, 8.

offence

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offence, instead of penalty by 7 Geo. II. chap. 16. sect. 48. forfeit 500l. to Candidate returned by said Clerk, recoverable as above-mentioned.

By Sect. 32, if any person to whom any commission is made, as aforesaid, insist that he was duly elected Commissioner for any Royal Borough, he shall be admitted to the meeting of the Commissioners for choosing Burgesses, and may there offer to take the oaths, from the Clerk of the presiding Borough, and declare for whom he would have voted; and said Clerk shall set down in minutes of proceedings, declaration of such person, but shall not receive him as legal Voter, or such declaration as legal vote.

By Sect. 33, the electors of Commissioners for any Royal Borough in *Scotland*, for choosing Burgesses to Parliament, are within the meaning of the 2 Geo. II. chap. 24. to be considered as the electors of the Member to serve in Parliament.

By Sect. 34, at every election of Commissioners for choosing Burgesses of the several districts of Boroughs in *Scotland*, and at the election of a Burgess to serve in Parliament for the City of *Edinburgh*, every Magistrate, Town Counsellor, or person having or claiming a right to vote, instead of the oath prescribed by the said Act, shall take the following oath, in case the same be demanded by any of the Electors; and which any of the Magistrates, or in their absence any of the Town-Council, shall administer.

Form of Oath of Electors for Towns in Scotland.

" I, A. B. do solemnly swear, that I have not directly or indirectly, by way of loan, or other device whatsoever, received any sum or sums of money, office, place, employment, gratuity, reward, or any bond, bill, note, or promise of any sum or sums of money,
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office,

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office, place, employment, or gratuity whatsoever, either by myself or any other, to my use, benefit, or advantage, or to the use, benefit, or advantage of the City or Borough of which I am Magistrate, Councillor, or Burgess, in order to give my vote at this Election. So help me, GOD."

By Sect. 35, in all elections of Commoners for chusing Burgesses, and before they proceed to election, the common Clerk of each Borough shall take and subscribe the following oath, which any of the Magistrates, or in their absence, any two of the Town Council, shall administer.

And at all meetings for chusing Burgesses to serve in Parliament, before they proceed to the election, the Clerk of the presiding Borough shall take and subscribe the following oath, which the Commissioner for the presiding Borough, or in his absence any other of the Commissioners, shall administer.

Form of common Clerk's Oath in Scotland.

" I, A. B. do solemnly swear, that I have not directly or indirectly, by way of loan, or other device whatsoever, received any sum or sums of money, office, place, employment, gratuity, reward, or any bond, bill, note, or promise of any sum or sums of money, office, place, employment, or gratuity whatsoever, either by myself or any other, to my use, benefit, or advantage, to make out any commission for a Commissioner, for chusing a Burgess; and that I will duly make out a commission to the Commissioner who shall be chosen by the majority of the Town Council assembled, and no other person.

So help me, GOD."

Form of Oath of Clerk of presiding Borough in Scotland.

" I, A. B. do solemnly swear, that I have not directly or indirectly, by way of loan, or other device whatsoever, received any sum or sums of money, office, place,

place, employment, gratuity, reward, or any bond, bill, note, or promise of any sum or sums of money, office, place, employment, or gratuity whatsoever, either by myself or any other, to my use, benefit, or advantage, to make any return at this election, of a Member to serve in Parliament; and that I will return to the Sheriff or Steward, the person elected by the major part of the Commissioners assembled, whose commissions are authenticated by the subscription of the common Clerk, and common seal of the respective Boroughs of this district. So help me, G O D."

By Sect. 36, if the clerk of the presiding Borough neglect, or refuse to take the oath aforesaid, he shall be incapable to act as Clerk to the said meeting; and the said Commissioners shall choose another Clerk.

By Sect. 37, at all elections of a Member to serve in Parliament for any County, or Stewartry, in Scotland, the Clerk shall, after his election, take and subscribe the following oath, which the *Preses* of the meeting shall administer.

Form of Oath of Clerk at Elections for Counties in Scotland.

"I, A. B. do solemnly swear, that I have not directly or indirectly, by way of loan, or other device whatsoever, received any sum or sums of money, office, place, employment, gratuity, reward, or any bond, bill, note, or promise of any sum or sums of money, office, place, employment, or gratuity whatsoever, either by myself or any other, to my use, benefit, or advantage, to make any return at the present election of a Member to serve in Parliament; and that I will return to the Sheriff or Steward, the person elected by the majority of the Freeholders, upon the roll made up at this election, and who shall be present and vote at this meeting. So help me, G O D."

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By Sect. 39, if any person presume wilfully and falsely to swear and subscribe any of the oaths required to be taken by this Act, and be convicted, he shall incur the pains and punishments of perjury, and be prosecuted according to the laws of *Scotland*.

By Stat. 16 Geo. II. chap. 11. sect. 40, when any new Parliament shall be called, the Lord Chancellor shall issue writs for election of Members to serve in Parliament for *Scotland*, with as much expedition as may be; and in that case, or in case of any vacancy during any Parliament, the writs shall be delivered to the Sheriff, or whom the execution thereof belongs; and every Sheriff or Steward may indorse thereon the day he received the same, and shall, within four days after the receipt thereof, make out a precept to each Borough within his jurisdiction, to elect a Commissioner for chusing a Burgess to serve in Parliament, and shall cause the same to be delivered to the chief Magistrate of such Borough, resident in the Borough; and in case such Sheriff or Steward neglect to indorse on the writ the day he received the same, or to make out his precept, and to deliver the same to the chief Magistrate, he shall, for every such offence, forfeit one hundred pounds sterling to any Magistrate of the Borough to which the precept is not *timeously** delivered, who shall sue for the same.

By Sect. 41, such chief Magistrate to whom the precept shall be delivered, shall indorse thereon the day he received the same, and within two days shall summon the Council of the Borough together, by giving notice personally, or leaving notice at the dwelling-place of every Councillor then resident in that Borough, which Council shall then appoint a peremp-

* Lord Bacon makes use of the adjective 'timeous' in this sense, but not the adverb 'timeously'; there is now, therefore, an authority much superior to even Lord Bacon's, to use the adverb 'timeously,' to mean, 'in due time.'

tory

tory day for the election of a Commissioner for chusing a Burgess to serve in Parliament.

By Sect. 42, two free days shall intervene betwixt the meeting of the Council which appoints the day of election of the said Commissioners, and the day on which the election of the Commissioner is to be made; and in case such chief Magistrate neglect to indorse the day he received the precept thereon, or to summon the Council within the time above directed, he shall, for every such offence, forfeit one hundred pounds sterling to any Magistrate or Councillor of the said Borough, who shall sue for the same.

By Sect. 43, every penalty or forfeiture in *Scotland* shall be sued for and recovered by summary complaint before Court of Session, upon 30 days notice to person complained of, without abiding course of roll; which complaint Session shall determine, and declare disabilities and incapacities, and direct the imprisonment.

By Sect. 44, no person shall be liable in *Scotland*, unless prosecution within one year after being so.

Stat. 18 GEO. II. Chap. 18. intituled,
Act to explain and amend the Laws touching the Election of Knights of the Shire to serve in Parliament for England.

By Sect. 1, upon every Parliamentary election within *England* or *Wales*, every Freeholder, instead of oath or affirmation prescribed by Stat. 10 Ann. chap. 23. before he is admitted to poll, shall (if required by Candidates or other person having right to vote) take oath or affirmation following, viz.

" You shall swear (or being one of the people called Quakers, you shall solemnly affirm) that you † are a Freeholder in the County of _____ and have a freehold estate, consisting of _____

(specifying the nature of such freehold estate, whether messuage, land, rent, tythe, or what else; and if such freehold estate consists in messuages, lands or tythes, then specifying in whose occupation the same are; and if in rent, then specifying the names of the Owners or Possessors of the lands or tenements, out of which such rent is issuing, or of some or one of them) lying or being † at _____ in the County of _____

_____ of the clear yearly value of forty shillings, over and above all rents and charges payable out of, or in respect of the same; and that you have been in the actual possession or receipt of the rents or profits thereof, for your own use, above twelve calendar months, or that the same came to you within the time aforesaid, by descent, marriage, marriage settlement, devise, or promotion to a benefice in a church, or by promotion to an office; and that such freehold estate has not been granted or made to you fraudulently, on purpose to qualify you to give your vote; and that the place of your abode is at _____

_____ in _____ and that you are twenty-one years of age, as you believe; and that you have not been polled before at this election."

" In oath or affirmation of qualification for Cities or Towns that are Counties of themselves, are the following alterations, and no others; for ' of one of the people called Quakers,' read therein, ' a Quaker.'

† ' Are a Freeholder in the County of _____ and' is omitted.

† For ' at _____ in the County of _____ read, ' in the City and County, or Town and County (as the case may be) of _____

Which

Which oath or affirmation Sheriff, Under-sheriff, or his sworn Clerk for taking poll, is to administer; and in case any Freeholder or other person commit perjury or subornation thereof, he shall incur pains and penalties of 5 Eliz. chap. 9, and of 2 Geo. II. chap. 25.

By Sect. 3, no person shall vote for Knight of Shire in *England* or *Wales*, in right of any estate which has not been assessed towards Land-tax twelve calendar months next before election.

By Sect. 4, not to restrain any person from voting in right of rents, or chambers in Inns of Court or of *Chancery*, or any messuages or * *seats* belonging to offices, from their not having been usually assessed to Land-tax; three acting Commissioners whereof shall, at their meeting, sign and seal another duplicate of copies of assessments, after all appeals determined, and deliver same to Clerks of Peace, to be kept amongst Session Records, which may be inspected, paying sixpence; who, or Deputies, are to give copies of duplicates on payment of, at rate of sixpence for every 300 words.

By Sect. 5, no person shall vote for Knight of Shire in *England* or *Wales*, without having a freehold estate in County for which he votes, of yearly value of 40s. over and above all rents and charges payable thereout, and shall have been in possession and receipt of rents thereof, for his own use, above twelve † calendar

* As seats in the Six Clerks Office, which are freehold, and the Proprietors have thereby votes for the County of Middlesex.

† Can any one clearly decide, whether the year is to be computed backwards from the day when the particular Voter polls, or from the day when the election commenced? The interpretation, according as it should happen to be one way or the other, might, on many occasions, decide entirely the merits of an election; for it may happen, that many persons who have been Freeholders only eleven months at the beginning of the poll, shall have been in possession above a year,

months, except same come to him within time aforesaid by descent, marriage, marriage settlement, devise, or presentation to benefice in church, or by promotion to an office; and if he shall vote contrary hereto, he shall forfeit 40*l.* to Candidate for whom vote shall not be given, recoverable by him or his personal representatives by action of debt, wherein no essoin, protection, wager of law, privilege, or imparlance, shall be allowed; and proof shall lie on defendant, unless fact whereon action is grounded be, having polled more than once at same election.

By Sect. 6, no public, parliamentary, or other tax, or parochial rate whatsoever shall be deemed a charge payable out of a freehold estate within meaning of Sect. 5. of this Act,

By Sect. 7, at every election in *England* and *Wales*, the Sheriff, or in his absence the Under-sheriff, or such as he shall depute, shall appoint or erect, at the expence of the Candidates, such number of booths or places for taking the poll, as any of the Candidates shall, three days at least before the commencement of the poll, desire; so as the same do not exceed the number of rapes, laths, wapentakes, wards, or hundreds, within the said County, and not exceeding in the whole the number of fifteen; and shall affix on the most public part of each the name of the rape,

at the time when they come to vote. The most obvious construction is, that the computation is to be from the day when the Voter takes the oath, and gives his vote. Yet we can hardly presume that the Legislature meant to draw one line with regard to occasional Freeholders in Counties, and Counties corporate, and another with regard to occasional Freemen in Boroughs; for they (unless excepted by the Act, viz. 3 Geo. III. chap. 15.) in order to be entitled to vote, must have been possessed of his franchise twelve calendar months, before the first day of the election. 3 Dougl. Hist. Controv. Elect. 235.

&c.

&c. for which such booth is designed : and the Sheriff, &c. shall appoint a Clerk or Clerks at each booth to take the poll (who shall at the expence of the Candidates be paid not exceeding one guinea per day each Clerk) ; and the Sheriff or Under-sheriff shall also make out a list for each booth, of all the Towns, Villages, Parishes, and Hamlets, lying wholly or in part in the rape, &c. for which such booth is designed ; and shall, upon request, deliver a copy thereof to any of the Candidates, or their Agents, taking for each copy two shillings, and no more.

By Sect. 8, no Sheriff, Under-sheriff, or Clerk appointed to take the poll at any of the said booths, shall admit any person to vote for any freehold estate, sworn to be at some parish or place not mentioned in the list so made out for such booth, unless such estate lie in some place not mentioned in any of the lists.

By Sect. 9, the Sheriff, or in his absence the Under-sheriff, or such as he shall depute, shall, at every such election, allow a checque-book for every poll-book for each Candidate, to be kept by their respective Inspectors, at every place where the poll shall be taken.

By Sect. 10, when County Court falls out to be held within six days after receipt of writ, or upon same day, no Sheriff shall adjourn * Court for longer than sixteen days.

By Sect. 12, in case any Sheriff or Under-sheriff, who shall preside at any election of any such Knight of the Shire in *England* or *Wales* shall wilfully offend against this Act, he shall be prosecuted by information or indictment in the Court of *King's Bench*, or in the Courts of great Sessions in *Wales*, or at the Sessions for the County-palatine of *Chester*, *Lancaster*, and *Durham*,

* See Stat. 7 and 8 Will. III. chap. 25. sect. 4.

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or at the Assizes for the place where such offence shall be committed, in which no *noli prosequi*, or *cessat processus* shall be granted.

By Sect. 13, it shall be sufficient for the plaintiff in any action of debt given by this Act, to set forth in the declaration, that the defendant is indebted to him in the sum of and to alledge the particular offence for which such action is brought, and that the Defendant hath acted contrary to this Act; without mentioning the writ of summons to Parliament, or the return thereof. — And it shall be sufficient in any indictment or information for any offence contrary to this Act, to alledge the particular offence, and that the Defendant is guilty thereof, without mentioning the writ of summons to Parliament, or the return thereof. And upon trial of any issue in any action, indictment, or information, the Plaintiff, Prosecutor, or Informer, shall not be obliged to prove the writ of summons to Parliament, or the return thereof, or any warrant to the Sheriff grounded upon such writ of summons.

By Sect. 14, every action, indictment, or information given by this Act, shall be commenced within nine calendar months after the fact upon which the same is grounded.

By Sect. 15, all the Statutes of Jeofails shall extend to all proceedings in any action, indictment, or information, given by this Act.

By Sect. 16, in case the Plaintiff or Informer in any action, indictment, or information, given by this Act, discontinue or be nonsuited, or judgment be given against him, the Defendant shall recover treble costs.

Stat. 19 G E O. II. Chap. 28. intituled,

Act for better regulating Elections of Members to serve in Parliament for such Cities and Towns in England as are Counties of themselves.

By Sect. 1. every person demanding to vote at any parliamentary election for City or Town being a County of itself, in *England*, in respect of any freehold estate of 40s. a-year, shall, before admitted to poll (if required by Candidates or Voter), take oath or affirmation following, viz.

Form of Freeholder's Oath.

Same as set forth in 18 Geo. II. chap. 18. sect. 1. with alterations observed in notes thereon.

By Sect. 3, no person shall vote for electing Member for City or Town, being a County of itself, within *England*, &c. *verbatim*, as 18 Geo. II. chap. 18. sect. 3, 4.

By Sect. 4, no person shall vote in respect of freehold estate of 40s. a-year, unless he shall have a freehold estate in City and County, or Town and County for which he votes, &c. *verbatim*, as Stat. 18 Geo. II. chap. 18. sect. 5.

By Sect. 5, same *verbatim*, as Stat. 18 Geo. II. chap. 18. sect. 6.

By Sect. 6, Sheriff of City or Town, being a County of itself, &c. *verbatim*, as Stat. 18 Geo. II. chap. 18. sect. 9.

By Sect. 7, Sheriff of every City or Town, being a County of itself, and having right to elect Members of Parliament, by virtue of writ issuing out of *Chancery*, without precept thereon, within *England*, shall forth
with

with, upon receipt of writ for such election, cause public notice to be given of time and place thereof, and proceed therein, within eight days next after receipt of writ, and give three days notice at least, exclusive of day of receipt of writ, and of day of election.

By Sect. 8, in case any Sheriff or Under-sheriff presiding at any such election for any City or Town, being a County of itself, within *England*, shall offend, &c. *verbatim* as Stat. 18 Geo. II. chap. 18. sect. 12. except that Courts of Great Sessions of *Wales*, and Sessions for Counties Palatine of *Chester*, *Lancaster*, and *Durham*, are therein and not herein mentioned.

By Sect. 9, same *verbatim* as Stat. 18 Geo. II. chap. 18. sect. 13.

By Sect. 10, same *verbatim* as 18 Geo. II. chap. 18. sect. 14.

By Sect. 11, same *verbatim* as Stat. 18 Geo. II. chap. 18. sect. 15.

By Sect. 12, same *verbatim* as Stat. 18 Geo. II. chap. 18. sect. 16.

By Sect. 13, no clauses or provisions hereof, except those made for allowing cheque-books, or concerning notice to be given of time and place of election, and proceeding thereto, shall extend to any City or Town being a County of itself; or to any person whose right of voting for Member of such City or Town, in respect of burgage tenure, or for Members in respect of freehold, does not require same to be of the yearly value of 40s.

Stat. 31 G E O. II. Chap. 14. intituled,

An Act for further explaining the Laws touching the Electors of Knights of the Shire to serve in Parliament for England.

By Sect. 1, no person holding copyhold estate *only* shall be entitled to vote for Knights of the Shire; and if he does, his vote shall be void, and he shall also forfeit to Candidate for whom he voted, *first* suing for same, 50*l.* recoverable by him or his executors or administrators, with costs, by action of debt, in any Court of Record at *Westminster*, wherein no *essoign*, &c. shall be allowed; and proof shall lie on Defendant.

By Sect. 2, sufficient for Plaintiff to set forth in declaration, that Defendant is indebted to him in 50*l.* to allege offence, and that Defendant hath acted contrary hereto, without mentioning writ of summons or return; nor shall Plaintiff be obliged to prove either of them on trial or warrant to Sheriff on such writ.

By Sect. 3, action to be commenced within nine calendar months next after fact whereon it is grounded.

By Sect. 4, Statute of Jeofails to extend to proceedings.

By Sect. 5, if Plaintiff discontinue, or be nonsuited, or judgment given against him, Defendant shall recover treble costs.

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Stat. 33. G E O. II. Chap. 20. intituled,

Act to enforce and render more effectual the Laws relating to the Qualification of Members to sit in the House of Commons.

By Sect. 1, every person (* except) elected a Commoner, shall, before he presumes to vote in the House, or sit there during debate, after Speaker chosen, deliver in to Clerk at table, and while House is sitting, with Speaker in Chair, account signed, containing the particulars as expressed in following form thereof, whereby he makes out his qualification, declaring same to be of the annual value of 600*l.* above reprises, if a Knight of Shire; and of like value of 300*l.* above reprises, if Citizen, Burgess, or Baron of Cinque † Ports; and shall at same time take and subscribe the following oath, and House is to administer said oath and subscription to every person duly demanding same, immediately after taking oaths of allegiance, supremacy, and abjuration at said table; and oath and subscription shall be entered in Parliament roll, and accounts shall be kept by said Clerk.

Form of the Oath of Members above referred to.

“ I, A. B. do swear,* that I truly, and *bonâ fide*, have such an estate in law or equity, and of such value, and to and for my own use and benefit, of or in lands, tenements, or hereditaments, over and above what will satisfy and clear all incumbrances that may affect the same, as doth qualify me to be elected and

* See Sect. 3.

† This somewhat balances the ascendancy which Boroughs have gained over Counties, by obliging the trading interest to choose landed men. Black. Com. 179.

returned to serve as Member for the place I am returned for, according to the tenor and true meaning of the Acts of Parliament in that behalf; and that such lands, tenements, or hereditaments, do lie as described in the paper account signed by me, and now delivered to the Clerk of the House of Commons.

So help me, G O D."

Form of account to be signed by every Member above referred to.

"I, A. B. of _____ am really and *bonâ fide* seised of an annuity of rent-charge, for my own use and benefit, of the clear yearly value of forty shillings, above all rents and charges payable out of the same, wholly issuing out of the freehold lands, tenements, or hereditaments, belonging to C. D. of _____ situate, lying, and being in the parish, township, or place, or in the parishes, townships, or places of E. in the County of _____

without any trust, agreement, matter, or thing, to the contrary notwithstanding; and I, or the person or persons under whom I claim, was or were seised of the said annuity or rent-charge, before the first day of *June*, one thousand seven hundred and sixty-three.

So help me, G O D."

By Sect. 2, if any Member of Parliament presumes to sit or vote before he has delivered such account, and taken and subscribed such oath, or shall not be qualified according to Stat. 9 Ann. chap. 5. and this Act, his election shall be void, and new writ shall issue to elect another Member.

By Sect. 3, not to extend to eldest son or heir apparent of Peer, or of person qualified to serve as Knight

Knight of Shire, or to Members of either University, or for Scotland.

Stat. 3 G E O. III. * Chap. 15, intituled,

Act to prevent occasional Freemen from voting at Elections of Members to serve in Parliament for Cities and Boroughs.

By Sect. 1, no person whatsoever claiming as a Freeman to vote at any election of Members to serve in Parliament for any City, Town, Port, or Borough, in *England, Wales, and the Town of Berwick-upon-Tweed*, where such Voter's right of voting is as Freeman only, shall be admitted to give his vote at such election, unless such person shall have been admitted to the freedom of such City, &c. twelve calendar months before the first day of such election. And if any person shall presume to give his vote as a Freeman at any election of Members to serve in Parliament, contrary to the true intent and meaning of this Act, he shall, for every such offence, forfeit and pay the sum of one hundred pounds to him, her, or them, who shall inform and sue for the same; and the vote given by such person shall be void and of no effect.

By Sect. 2. nothing herein contained shall extend, or be construed to extend, to any person entitled to his freedom by birth, marriage, or servitude, according to the custom and usage of such City, Town, Port, or Borough.

* See Resolution, dated Nov. 29, 1775. In the case of Durham, 215 Freemen were made just before the election, and 93 of them were sworn in or after the day of the 'teste'; but, besides that circumstance, they were objected to, as being contrary to constitution of the City. Dougl. Hist. Controv. Elect. 238. This cause gave rise to this Act. Id. 84, 212. See our note on Stat. 7 Will. III. chap. 4. sect. 1. and on 18 Geo. II. chap. 18. sect. 5.

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By Sect. 3, if any Mayor, Bailiff, Town-Clerk, or other Officer of any Corporation, or other person whomsoever, shall wilfully and fraudulently antedate, or cause to be antedated, any admission of any Freeman, such Mayor, &c. shall, for every such offence, forfeit and pay the sum of five hundred pounds to him, her, or them, who shall inform and sue for the same.

By Sect. 4, the Mayor, &c. of any Corporation, having the custody of, or power over, the records of the same, shall, upon the demand of any Candidate, or his Agent, or any two Freemen, on the payment of one shilling, permit such Candidate, Agent, or Freeman, between the hours of nine in the morning and three in the afternoon, at any time before and within one month after any such election as aforesaid, to inspect the books and papers wherein the admission of Freemen shall be entered; and to have copies or minutes of the admission of so many Freemen as such Candidate, Agent, or Freemen shall think fit, upon payment to such Mayor, &c. a reasonable charge for writing the same; and such books and papers shall, if demanded by such Candidate, &c. be produced by such Mayor, &c. at every election, and be referred to, in case any dispute shall arise touching the right of any person to give his vote thereat: And if such Mayor, &c. shall refuse, or deny such Candidate, &c. the inspection of such books and papers, or to have copies or minutes thereof, or shall refuse or neglect to produce such books and papers at any election, if demanded, and paid for, in the manner herein before set forth, such Mayor, &c. shall, for every such offence, forfeit and pay the sum of one hundred pounds to him, her, or them, who shall inform and sue for the same.

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By Sect. 5, all forfeitures or penalties laid or imposed by this Act, shall be recovered, with full costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's Courts of Record at *Westminster*; wherein no essoin, &c. shall be allowed.

By Sect. 6, no person shall be liable to any forfeiture or penalty, by this Act laid or imposed, unless prosecution be commenced within one year after such forfeiture or penalty shall be incurred.

By Sect. 7, the Returning Officer shall read, or cause to be read openly, this Act, at the time of election of Members to serve in Parliament of Cities, Towns, Ports, or Boroughs, where the right of election is in the whole, or in part, in Freemen as aforesaid, immediately after the reading. Stat. 2 Geo. II. chap. 24.

By Sect. 8, nothing in this Act shall extend, or be construed to extend, to the Cities of *London* or *Norwich*.

Stat. 3 GEO. III. Chap. 24. intituled,
Act to prevent fraudulent and occasional Votes in Elections of Knights of the Shire, and of Members for Cities and Towns, which are Counties of themselves, so far as relates to the right of voting by virtue of an annuity or rent charge.

By Sect. 1, no person shall vote for any Knight of a Shire, Citizen, or Burgess, for *England*, in respect of any annuity or rent-charge issued out of freehold lands or tenements, and granted before the first day of *June*, 1763, unless a certificate upon oath shall have been entered twelve calendar months at least, before the first day of election, with the Clerk of the Peace, Town-Clerk, or other public Officer,

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Officer, having the custody of the Records within any City or Town.

Form of Certificate above referred to.

“ I, A. B. of am really and *bona fide* seised of an annuity or rent-charge for my own use and benefit, of the clear yearly valde of forty shillings, above all rents and charges payable out of the same, wholly issuing out of freehold lands, tenements or hereditaments, belonging to C. D. of situate, lying, and being in the parish, township, or place, or in the parishes, townships, or places of E. in the county of without any trust, agreement, matter, or thing, to the contrary, notwithstanding; and I, or the person or persons under whom I claim, was or were seised of the said annuity or rent-charge, before the first day of *June*, one thousand seven hundred and sixty-three.”

By Sect. 2, no person shall vote for any Knight of a Shire, Citizen or Burgess, for *England*, in respect of any annuity or rent-charge issuing out of freehold lands, tenements, or hereditaments, which shall come to such person by descent, marriage, marriage-settlement, devise, or presentation to a benefice in church, or promotion to an office, within twelve calendar months next before such election respectively, unless a certificate upon oath, or affirmation, if a Quaker, shall have been then entered with the Clerk of the Peace, Town-clerk, or other Officer as aforesaid, before the first day of such election.

Form of Certificate above referred to.

" I, A. B. of _____ am really and *bonâ fide*
 seized of an annuity or rent-charge, for my own use
 G 2 and _____

and benefit, of the clear yearly value of forty shillings above all rents and charges payable out of the same, wholly issuing out of freehold lands, tenements, or hereditaments, belonging to C. D. of situate, lying, and being in the parish, township, or place, or in the parishes, townships, or places of in the County of without any trust, agreement, matter, or thing, to the contrary notwithstanding; and I became seised of the said annuity or rent-charge on the day of last past, by descent or otherwise (*as the case may happen.*)”

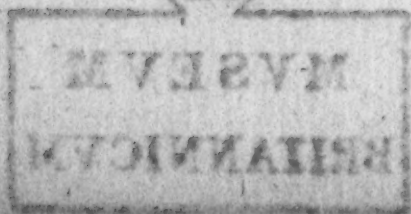
By Sect. 3, no person shall vote for a Knight of the Shire, Citizen, or Burgess, within *England*, in respect of any annuity or rent-charge to be granted after the said first day of *June*, 1763, unless a memorial of the grant of such annuity or rent-charge shall have been registered with the Clerk of the Peace, Town-Clerk, or other public Officer, having the custody of the records, where the lands, &c. out of which annuity or rent-charge issues, shall be twelve calendar months at least before the first day of such election; which memorial shall be wrote on parchment, and directed to such Clerk of the Peace, Town-Clerk, or other public Officer, and shall be under the hand and seal of the Grantor or Grantors, and attested by two witnesses, one whereof to be one of the witnesses to the execution of such grant; which witness shall upon oath before such Clerk of the Peace, &c. as aforesaid, or their Deputies, prove the sealing and delivering of such grant, and the signing and sealing of such memorial; which memorial shall contain the day and year of the date, and the names, additions, and abodes, of the parties and witnesses, and all the lands and tenements out of which the annuity or rent-charge issues, and the pa-

the two years to be given to the witnesses to the said

rish, township, or place, &c. where such lands and tenements lie; and that every such grant, of which such memorial is so to be registered, shall, at the time of entering such memorial, be produced to such Clerk of the Peace, &c. as aforesaid, or their Deputies, who shall indorse thereon a certificate, in which shall be mentioned the day and year on which such memorial shall be so entered.

By Sect. 4, no person shall vote at any election of a Knight of the Shire, Citizen, or Burgeſs, in *England*, by reason of an assignment of any annuity or rent-charge, or any part or parts thereof, made before the first day of *June*, 1763, unless a certificate of such assignment upon oath, to the purport herein mentioned, with respect to an original annuity or rent-charge, shall have been entered with such Clerk of the Peace, &c. as aforesaid, twelve calendar months at least before the first day of such election; and that no person shall vote at any such election as aforesaid, by reason of an assignment of any annuity or rent-charge, or any part or parts thereof, made after the first day of *June*, 1763, unless a memorial of such assignment, and also a memorial of the grant of such annuity or rent-charge of which such shall be made, shall have been attested and registered twelve calendar months at least before the first day of such election, in the same manner as is herein before directed with respect to the memorial of an original grant of an annuity or rent-charge.

By Sect. 5, the Clerk of the Peace, Town-Clerk, or other Officer as aforesaid, shall keep a book or books for entering of every such certificate or memorial, and shall be allowed for the entry of every such certificate the sum of one shilling, and of every such memorial two shillings, and no more, and for every search for any certificate or memorial one shilling and



no more; and any person or persons may, at all reasonable times, resort to and inspect the certificates, memorials and books of entries thereof. And such Clerk of the Peace, &c. or other Officer as aforesaid, or their Deputies, is hereby directed and required forthwith to give a copy of any certificate or memorial to any person or persons who shall desire the same, paying for such copy, if it contains not more than two hundred words, the sum of sixpence; and so in proportion for any greater number of words: and such Clerk of the Peace, &c. or other Officer as aforesaid, or his or their Deputies, is hereby empowered to administer an oath in all cases where an oath is required by this Act; and true copies of the aforesaid certificates and memorials, attested by such respective Clerks of the Peace, &c. or other Officer as aforesaid, or their Deputies, shall at all times be allowed and admitted as legal evidence in all cases whatsoever.

By Sect. 6, a memorial of such grant or assignment as shall be made and executed in any place not within forty miles of the office of the respective Clerk of the Peace, Town-Clerk, or other Officer as aforesaid, shall be entered and registered by such Clerk of the Peace, or his Deputies, in case an affidavit sworn, or affirmation as a Quaker, before one of the Judges at *Westminster*, or a Master in *Chancery*, ordinary or extraordinary, be brought with the said memorial to the said Clerk of the Peace, &c. as aforesaid, wherein one of the witnesses to the execution of such grant or assignment shall swear that he or she saw the same executed; and that the same shall be a sufficient authority to the Clerk of the Peace or his Deputy, to give the party that brings such memorial a certificate of the registering such memorial; which certificate, signed by the said Clerk of the Peace or his Deputies, shall be taken



taken and allowed as evidence of the registry of the same memorial in all Courts of Record whatsoever; any thing herein contained to the contrary notwithstanding.

By Sect. 7, the Clerk of the Peace, Town-Clerk, or other Officer, as aforesaid, shall, upon reasonable notice, attend at any election with the book or books of entries of every certificate and memorial, at the request of any Candidate, making him reasonable satisfaction for such attendance.

By Sect. 8, if any Clerk of the Peace, Town-Clerk, or other Officer, as aforesaid, shall be guilty of any wilful neglect, misdemeanor, or fraudulent practice, contrary to the true intent and meaning of this Act; every such Clerk of the Peace shall, for every such offence, forfeit one hundred pounds to the person who shall sue for the same, by action of debt, bill, plaint, or information, in any of his Majesty's Courts of Record at *Westminster*, whereon no essoin, protection, wager of law, or more than one imparlance shall be allowed.

By Sect. 9, no person shall be liable to any forfeiture or penalty by this Act laid or imposed, unless prosecution be commenced within twelve months after such forfeiture or penalty shall be incurred.

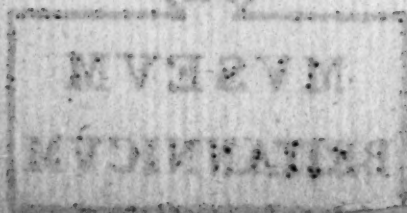
Stat. 10. GEO. III. * Chap. 16. intituled,
Act to regulate Trials on Controverted Elections, or Returns of Members to serve in Parliament.

By Sect. 1, whenever a petition complaining of an undue election of a Member of Parliament shall be presented to the House of Commons, a day and hour shall by the said House be appointed for taking the

* Perpetuated by Stat. 14 Geo. III. chap. 15.

G 4

same



same into consideration; and notice thereof in writing shall be forthwith given by the Speaker to the Petitioner and the sitting Member or his Agent, accompanied with an order to attend the House, when appointed, by himself, Counsel, or Agent.

By Sect. * 3, the House may alter the day and hour for considering such petition, and appoint some subsequent day and hour, giving to the parties notice thereof.

By † Sect. 4, when the petition is in consideration, and previous to the reading the order of the day for that purpose, the Serjeant at Arms shall be directed to require the immediate attendance of the Members, and if, after his return, there are less than one hundred Members present, the said order shall be immediately ‡ adjourned to a particular hour on the following day (*Sunday and Christmas day always excepted*), and the House shall then adjourn to the said day; and the proceedings of all the Committees subsequent to such notice from the said Serjeant, shall be void: and on the said following day the House shall proceed in the same manner; and so from day to day, till there be an attendance of one hundred Members at the reading the order of the day, to take such petition into consideration.

* See Dougl. Hist. Controv. Elect. 48.

† See Id. 49, 50.

‡ There has been but one instance hitherto, where an adjournment hath been necessary on this account. Dougl. Hist. Controv. Elect. 49, 50. The House not being complete, according to the provisions of this Act, on the day appointed for choosing a Committee to try the controverted election in the case of the County of Clackmannan, the Committee was obliged to adjourn to the day following, although very important business was to have come on after the ballot. Dougl. Hist. of Controv. Elect. 344.

By

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By * Sect. 5, if after summoning the Members, &c. one hundred Members shall be found to be present, the Petitioner himself and the Counsel or Agent of the Member shall attend at the Bar; and the House shall be locked, and no Member shall enter into or depart therefrom, until the Petitioner, &c. and the Counsel or Agent for the sitting Member shall be directed to withdraw; and when the House shall be locked, the order of the day shall be read, and the names of all the Members written or printed on distinct equal pieces of parchment or paper, and rolled up, shall be put in equal numbers in six boxes or glasses, and be shaken together, and then the said Clerk Assistant shall publicly draw out of the boxes or glasses alternately the said pieces of parchment or paper, and deliver the same to the Speaker, to be by him read to the House; and so shall continue to do, until forty-nine names of the Members then present be drawn.

By † Sect. 6, if the name of any Member who shall have given his vote at the election complained of, or who shall be a Petitioner, or against whose return a petition shall be then depending, or whose return shall not have been brought in fourteen days, shall be drawn, his name shall be set aside with the names of those who are absent from the House.

By Sect. 7, if the name of any Member sixty years of age or upwards be drawn, he shall be excused from serving on the select Committee to be appointed as herein after is mentioned, if he require it, and verify the cause of such requisition upon oath.

By † Sect. 8, if the name of any Member who has

* See Dougl. Hist. Controv. Elect. 51.

† Dougl. Hist. Controv. Elect. 51.

‡ See Id. 51, 52.

90 **EXTRACTS FROM THE STATUTES.**

served in such select Committee during the same Session be drawn, he shall, if he requires it, be excused from serving again in any such select Committee, unless the House shall, before the day appointed for taking the said petition into consideration, have resolved, that the number of Members who have not served on such select Committee in the same Session, is insufficient to fulfil the purposes of this Act, respecting the choice of such select Committee.

By Sect. 9, no Member who, after having been appointed to serve in any such select Committee, shall, on account of inability or accident, have been excused from attending the same throughout, shall be deemed to have served on any such select Committee.

By * Sect. 10, if any other Member shall offer and verify upon oath any other excuse, the substance of the allegations so verified upon oath, shall be taken down by the said Clerk, in order that the same may be afterwards entered in the Journals, and the opinion of the House shall be taken thereon; and if the House shall resolve, that the said Member is unable to serve, or cannot without great and manifest detriment serve in such select Committee, he also shall be excused from such service.

Form of oath above referred to.

“ The matter alledged by you, and now taken down and read, as an excuse for not serving on this Committee, is the truth.

So help you, GOD.”

By † Sect. 11, instead of the Members so set aside and excused, the names of other Members shall be drawn;

* See Dougl. Hist. Controv. Elect. 51. See Sect. 15.

† See Dougl. Hist. Controv. Elect. 53.

who

who may in like manner be set aside or excused, and others drawn to supply their places, until the whole number of forty-nine Members, not liable to be so set aside or excused, shall be complete; and the Petitioners or their Agents shall then name one, and the sitting Members or their Agents another, from among the Members then present, whose names shall not have been drawn, to be added to those who shall have been so chosen by lot.

By * Sect. 12, either of the Members so nominated shall or may be set aside for any of the same causes as those chosen by lot; or shall, if he requires it, be excused from serving on the said select Committee; and the party who nominated the Member so set aside or excused, shall nominate another in his stead, and so continue to do as often as the case shall happen, until his Nominee is admitted.

By † Sect. 13, as soon as the said forty-nine Members shall have been so chosen by lot, and the two Members to be added thereunto shall have been so nominated as aforesaid, the door of the House shall be opened, and the House may proceed upon any other business, and lists of the forty-nine Members so chosen by lot shall be given to the Petitioners, their Counsel, or Agents, and the Counsel or Agents for the sitting Members, who shall immediately withdraw, together with the Clerk appointed to attend the said select Committee; and the said Petitioner and sitting Members, their Counsel or Agents, beginning on the part of the Petitioners, shall alternately strike off one of the said forty-nine Members, until the said number shall be reduced to thirteen; and the said Clerk, within one hour at farthest from the time of the parties with-

* See Dougl. Hist. Controv. Elect. 53.

† Ibid. 54, 55.

drawing from the House, shall deliver in the names of the thirteen Members, together with the two Members nominated as aforesaid, who shall be sworn at the Table, well and truly to try the matter of the petition referred to them, and a true judgment to give according to the evidence; and shall be a select Committee to try and determine the merits of the return, or election appointed by the House to be that day taken into consideration; and the House shall order the said select Committee to meet at a certain time, to be fixed by the House, which time shall be within twenty-four hours of the appointment of the said select Committee; unless a *Sunday* or *Christmas* day shall intervene; and the place of their meeting and sitting shall be some convenient room or place adjacent to the House of Commons, or Court of Requests, properly prepared for that purpose.

By * Sect. 14, on the parties withdrawing, the House shall continue sitting, and the said fifty-one Members so chosen and nominated shall not depart the House, till the time for the meeting of the said select Committee shall be fixed.

By † Sect. 15, if upon the drawing out the name of any Member by lot as aforesaid, the said Petitioners or sitting Members, or their Agents, shall declare, that such Member is intended to be one of the two Nominees to be nominated by them respectively; and if such Member shall consent to such nomination, the name of such Member so drawn by lot shall be set aside, and unless objected to as aforesaid, he shall serve as such Nominee, and the name of another Member shall be drawn to supply his place, to complete the number forty-nine Members to be drawn by lot; and

* See Dougl. Hist. Controv. Elect. 55.

† Id. 52, 53.

if the said Petitioners or sitting Members, or their Agents, shall not respectively nominate a Member then present, who shall be admitted according to the directions of this Act, then the want of such a nomination shall be supplied, by drawing out instead thereof, the name of one or two Members, as the case shall require, who shall be drawn by lot in the like manner, and subject to the like objections and excuses, as the other forty-nine Members already drawn by lot, and shall be added to the lists of the said forty-nine Members, and shall be liable to be struck off in the like manner; leaving always the number of fifteen Members in the whole and no more, as a select Committee for the purposes aforesaid.

By Sect. 16. the names of all the Members so written and rolled up as herein before directed, shall, previous to the day appointed for taking any such petition into consideration, be prepared by the said Clerk Assistant, and by him put into a box or parcel in presence of the Speaker, together with an attestation signed by the said Clerk Assistant, purporting, that the names of all the Members were by him put therein the day of in the year which said box or parcel the Speaker shall seal with his own seal, and to the outside thereof shall annex an attestation signed by himself, purporting that the said box or parcel was on the day of in the year made up in his presence, in the manner directed by this Act; and that as soon as the parties shall be withdrawn as aforesaid, and before the House shall enter on any other business, any Member may require that the names of all the Members which remain undrawn shall be drawn and read aloud by the said Clerk Assistant.

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By * Sect. 17, the said select Committee shall, on their meeting, elect a Chairman from among such of the Members thereof as shall have been chosen by lot; and if in the election of a Chairman there be an equal number of voices, the Member whose name was first drawn in the House shall have a casting voice; so likewise, in case there should ever be occasion for electing a new Chairman, on death or necessary absence of the Chairman first elected.

By † Sect. 18, the said select Committee shall have power to send for persons, papers, and records; and shall examine all the witnesses who shall come before them upon oath, and shall try the merits of the return or election, or both; and shall determine by a majority of voices of the said select Committee, whether the Petitioners or the sitting Members, or either of them, be duly returned or elected, or whether the election be void; which determination shall be final between the parties to all intents and purposes. And the House, on being informed thereof by the Chairman of the said select Committee, shall order the same to be entered in their Journals, and give the necessary directions for confirming or altering the return, or for the issuing a new writ for a new election, or for carrying the said determination into execution, as the case may require.

By ‡ Sect. 19, the said select Committee shall sit every day, (*Sunday* and *Christmas* day only excepted) and shall never adjourn for a longer time than twenty-four hours, unless a *Sunday* or *Christmas* day intervene.

* This is all the business which is done that day, after which the Committee adjourns to the next, commonly at ten o'clock, and continues sitting every day, from ten to about three. Dougl. Hist. Controv. Elect. 57.

† See Dougl. Hist. Controv. Elect. 60.

‡ Id. 58.

without leave first obtained from the House upon motion, and special cause assigned for a longer adjournment; and in case the House shall be sitting at the time to which the said select Committee is adjourned, then the business of the House shall be stayed, and a motion shall be made for a further adjournment, for any time to be fixed by the House, not exceeding twenty-four hours, unless *Sunday* or *Christmas* day intervene.

By Sect. 20, where the time prescribed by this Act for the meeting, sitting or adjournment of the said select Committee, shall, by the intervention of a *Sunday* or *Christmas* day, exceed twenty-four hours, such meeting, sitting, or adjournment, shall be within twenty-four hours from the time of appointing or affixing the same, exclusive of such *Sunday* or *Christmas* day.

By * Sect. 21, no Member of the said select Committee shall be allowed to absent himself from the same, without leave obtained from the House, or an excuse allowed by the House at the next sitting thereof, on special cause shewed and verified on oath; and the said select Committee shall never sit, until all the number to whom such leave has not been granted, nor excuse allowed, are met; and in case they shall not all meet within one hour after the time to which the said select Committee shall have been adjourned, a farther adjournment shall be made in the manner as before directed, and reported, with the cause thereof, to the House.

By † Sect. 22, the Chairman of the said select Committee shall, at the next meeting of the House, always report the name of every Member thereof

* See Dougl. Hist. Controvert, Elect. 58, 59.

† Id. 58, 194, &c. 233.

who shall have been absent therefrom without such leave or excuse as aforesaid; and such Member shall be directed to attend the House at the next sitting thereof, and shall then be ordered to be taken into the custody of the Serjeant at Arms attending the House, for such neglect of his duty, and otherwise punished or censured at the discretion of the House; unless it shall appear to the House by facts specially stated and verified upon oath, that such Member was by sudden accident, or by necessity, prevented from attending the said select Committee.

By Sect. * 23, if more than two Members of the said select Committee shall, on any account, be absent therefrom, the said select Committee shall adjourn in the manner herein before directed; and so from time to time, until thirteen Members are assembled.

By † Sect. 24, in case the number of Members able to attend the said select Committee shall, by death or otherwise, be unavoidably reduced to less than thirteen, and shall so continue for the space of three sitting days, the said select Committee shall be dissolved, and another chosen, to try and determine the matter of such Petition, in manner aforesaid; and all the proceedings of the said former select Committee shall be void and of no effect.

By Sect. 25, if the said select Committee shall come to any Resolution other than the determination above-mentioned, they shall, if they think proper, report the same to the House for their opinion, at the same time that the Chairman of the said select Committee shall inform the House of such determination; and the House may confirm or disagree with such Re-

* See Dougl. Hist. Controv. Elect. 59.

† Id. ib.

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resolution, and make such orders thereon; as to them shall seem proper.

By * Sect. 26, if any person summoned by the said select Committee shall prevaricate, or shall otherwise misbehave in giving, or refusing to give evidence, the Chairman of the said select Committee, by their direction, may at any time during the course of their proceedings, report the same to the House, for the interposition of their authority or censure, as the case shall require.

By † Sect. 27, whenever the said select Committee shall think it necessary to deliberate amongst themselves, upon any question which shall arise in the course of the trial, upon the determination thereof, or upon any resolution concerning the matter of the Petition referred to them as aforesaid; as soon as the said select Committee shall have heard the evidence and counsel on both sides relative thereto, the room or place wherein they shall sit shall be cleared, if they shall think proper, while the Members of the said select Committee consider thereof; and all such questions, as well as such determinations, and all other resolutions, shall be by a majority of voices, and if the voices shall be equal, the Chairman shall have a casting vote.

By Sect. 28, no such determination as aforesaid

* See Dougl. Hist. Controv. Elect. 65. see Resolution dated 3 Jan. 1701-2, and Dougl. Controv. Elect. 88.

Id. 63. The directions of the Statute in this section, concerning clearing the Court, are only 'permissive,' not 'obligatory;' and one of the Members in the Committee for Pontefract, proposed, that they should deliver their sentiments in open court, according to the practice in the ordinary courts of justice: however, this was not agreed to, and the custom of clearing the court has hitherto been uniformly followed. Dougl. Hist. Controv. Elect. 87, 88.

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shall be made, nor any question be proposed, unless thirteen Members shall be present; and no Member shall have a vote on such determination, or any other question or resolution, who has not attended during every sitting of the said select Committee.

By Sect. 29, the oath by this Act directed to be taken in the House, shall be administered by the said Clerk, in the same manner as the oaths of allegiance and supremacy are administered in the House of Commons; and that the oaths by this Act directed to be taken before the said select Committee, shall be administered by the Clerk attending the said select Committee; and that all persons who shall be guilty of wilful and corrupt perjury, in any evidence which they shall give before the House, of the said select Committee, in consequence of the oath which they shall have taken by the direction of this Act, shall, on conviction thereof, incur and suffer the like pains and penalties to which any other person, convicted of wilful and corrupt perjury, is liable by the laws and statutes of this realm.

Form of Oath above referred to.

“ You, and each of you, shall well and truly try the matter of the Petition of *A. B.* referred to you, and a true judgment give, according to the evidence.
So help you, GOD.”

Stat. 2 GEO. III. Chap. * 42. intituled,
Act to explain and amend Stat. 10 George III,
Chap. 16.

By Sect. 1, if several parties, on distinct interests or grounds of complaint, shall present separate Peti-

* Perpetuated by Stat. 14 Geo. III. chap. 15. See
Dougl. Hist. Controv. Elect. 53.

tions, complaining of an undue election or return of a Member to serve in Parliament, the same notice and orders shall be given to all such parties, or their respective agents, as by the said Act is directed to be given to the sitting Members, or the Petitioners therein mentioned, or their respective agents.

By Sect. 2, no such Petition shall be considered till fourteen days after commencement of Session of Parliament in which presented; nor till fourteen days after return, whereto it relates, shall be brought into office of Clerk of Crown.

By Sect. 3, if at the time of drawing by lot the names of the Members, in manner prescribed by Stat. 10. Geo. III. chap. 16. the number of forty-nine Members, not set aside nor excused, cannot be completed, the House shall proceed in the manner they are directed by the said Act to proceed, in case there be less than one hundred Members present at the time therein prescribed for counting the House; and so from day to day, as often as the case shall happen.

By Sect. 4, on the day appointed for taking any Petition into consideration, the House shall not proceed to any other* business whatsoever, except the swearing of Members previous to the reading of the order of the day, for that purpose.

By † Sect. 5, if the select Committee shall have occasion to apply or report to the House, in relation to adjournment of the said select Committee, the absence of the Members thereof, or the non-attendance or misbehaviour of witnesses summoned to appear, or appearing before them; and the House shall be then adjourned for more than three days; the said select

* See 4 Dougl. Hist. Controv. Elect. 169, 174.

† See Dougl. Hist. Controv. Elect. 59.

Committee may also adjourn to the day appointed for the meeting of the House.

By * Sect. 6, if on a complaint by petition of an undue election or return, there shall be more than two parties before the House on distinct interests, or complaining or complained of upon different grounds, whose right to be elected or returned may be affected by the determination of the said select Committee, each of the said parties shall successively strike off a Member from the forty-nine Members to be chosen by lot, until the said number be reduced to thirteen, in the said manner as by Stat. 10 Geo. III. chap. 16. is directed for the striking off a Member alternately by the parties therein mentioned; and the lists of the forty-nine Members chosen by lot, shall, for this purpose, be given to all the said parties, and the order in which the said parties shall so strike off the said Members shall be determined by lot, after they are withdrawn from the bar; and in such case, neither of the said parties (there being more than two) shall be permitted to name a Member to be added to the Members drawn by lot as aforesaid; but that as soon as the list of 13 Members shall be returned by the parties to the House, such 13 Members shall immediately withdraw, and shall by themselves choose two Members then present in the House, whose names shall not have been drawn, to be added to the said thirteen Members; and shall, within one hour from the time of their withdrawing, report the names of two such Members to the House; which two Members shall be liable to be set aside on the like objections for which Nominees may be set aside by virtue of Stat. 10 Geo. III. chap. 16. And in case such two Members, or either of them, shall be set aside for any of the causes aforesaid, then the said thirteen

* Id. 53, 54, 55, 56.

Members

Members shall choose one or two other Members as the case shall require, until two Members are chosen, against whom none of the objections to Nominees mentioned in Stat. 10 Geo. III. shall be taken and allowed; and that the names of such two Members shall be then added to the said list of thirteen Members; and all the said *fifteen* Members shall be sworn at the table, and they shall be the select Committee appointed for the purposes expressed in this and Stat. 10 Geo. III.

By * Sect. 7, where the said Nominees are by this Act directed to be named by the said thirteen Members, no Member present at the time of the ballot shall depart from the House, until the time for meeting of said select Committee be fixed.

Stat. 10 G E O. III. Chap. 41. intituled,
Act to enable Speaker of the House of Commons to issue his Warrants to make out new Writs for Choice of Members to serve in-Parliament, in the Room of such Members as shall die during Recess of Parliament.

By Sect. 1, the Speaker, during the recess of Parliament, for more than twenty days, is to issue out his warrant to the Clerk of the Crown, to make out new writs for electing Members in the room of those who shall happen to die during such recess, so soon as the Speaker shall have due notice of their decease.

By Sect. 2, no warrant shall issue, unless the death of the Member shall be certified to the Speaker by two Members under their hands; and by Sect. 3, after receipt of said certificate, the Speaker shall cause notice thereof to be inserted in the Gazette, and shall

* See Dougl. Hist. Controv. Elect. 55.

not issue his warrant till fourteen days after insertion of such notice in the Gazette.

By Sect. 4, the Speaker is not authorised, unless the return of the writ, by virtue of which such Member deceased was elected, shall have been brought into the office of the Clerk of the Crown, fifteen days before the end of the Session of Parliament immediately preceeding the death of the Member.

Stat. 11 GEO. III. Chap. 55. intituled,

Act to incapacitate Sixty-eight Persons by name, from voting at Elections of Members to serve in Parliament; and for preventing Bribery and Corruption in election of Members to serve in Parliament for the Borough of New Shoreham, in the County of Sussex.

By Sect. 1, sixty-nine persons therein particularly named, being Freeholders of the said Borough, are incapacitated from giving any vote at any election for the choosing a Member of Parliament.

By Sect. 2, every Freeholder above the age of twenty-one years, who shall have within the Rape of Bramber, in the said County of Sussex, a Freehold of the clear yearly value of forty shillings, to give his vote at every election of a Burgess for the said Borough of New Shoreham.

By Sect. 3, the right of election for the said Borough is declared to be in such Freeholders, and in the persons who by the custom and usage of the said Borough had or should then after have a right to vote at such election (the above-named sixty-nine persons always and only excepted); and the Returning Officer is required to return the persons to serve in Parliament for the said Borough, who shall have the
major

major number of votes of such Freeholders and other persons having a right to vote at the said election (except as before excepted).

By Sect. 4, every Freeholder, before he is admitted to poll at any election for the said Borough, shall, if required by any Candidate, or other person having right to vote at said election, first take the oath or affirmation, which the Returning Officer is to administer; and in case any Freeholder or other person taking the said oath or affirmation shall commit perjury; or if any person shall suborn any Freeholder or other person to take the same in order to be polled, whereby he shall commit perjury, shall incur the penalties of Stat. 5 El. c. 9. and of 2 G. H. c. 25.

By Sect. 5, the Returning Officer on receipt of writ shall indorse day thereof thereon, in presence of party from whom he received the precept, and shall cause public notice of the day of election to be fixed on the market-houses or church-doors at *New Shoreham*, *Bramber*, and *Steyning*, within twelve, and not less than eight days next after the receipt of the precept.

By Sect. 6, this Act shall be publicly read at every election for *New Shoreham*, immediately after the Acts directed by any Act to be read thereat, and before the persons present shall proceed to make election.

Stat. 14 G. O. III. Chap. 15, intituled,

Act for perpetuating Stat. 10 Geo. III. Chap. 16. and Stat. 11 Geo. III. Chap. 42.

By Sect. 1, Stat. 10 Geo. III. chap. 16. and 11 Geo. III. chap. 42. are both made perpetual.

Stat. 14 GEO. III. Chap. 58. intituled,

Act for repealing Stat. 1 Hen. V. Chap. 1. and so much of 8 Hen. VI. Chap. 7. Stat. 10 Hen. VI. Chap. 2. and Stat. 23 Hen. VI. Chap. 14. as relates to the Residence of Persons to be elected Members to serve in Parliament, or of the Persons by whom they are to be chosen.

By Sect. 1, so much of the said several Acts as relates to the residence either of the Electors or elected, is repealed.

Stat. 14 GEO. III. Chap. 81. intituled,

Act for altering and amending Stat. 16 Geo. II. Chap. 11. by altering Time of Notice, ordered by said Act to be given, in service of Complaints to Courts of Session, of Wrongs done in Elections, and by regulating Manner, and settling Place of Election of Place of a Burges to serve in Parliament for District or Boroughs in Scotland, when Election of Magistrates and Council of Borough, which ought in course to be presiding Borough at Election, happens to be reduced and made void by Decree of Court of Session, and not revived by Crown when Election made.

By Sect. 1, the Court of Session shall grant warrants for the service of all complaints, agreeable to intendment of Stat. 16 Geo. II. chap. 11. sect. 4. upon fifteen days notice.

By Sect. 2, in every election of a Burges to serve in Parliament for a district of Boroughs in Scotland, when it shall happen that the election of the Magistrates and Council of the Borough, which ought to have been the presiding Borough at such election, is reduced

reduced and not revived, the next Borough entitled to preside in turn shall be the presiding Borough, and the election shall be made at that Borough; and the Commissioner for that Borough shall be the President of the meeting of Commissioners for the election, and have a casting and decisive vote, besides his own as Commissioner, where the votes of the Commissioners are equal; and the common Clerk of that Borough shall be Clerk to the election; and every matter concerning the election shall be proceeded in as if that Borough had been the presiding Borough, in the ordinary course of rotation.

By Sect. 3, the Borough which would have been the presiding Borough at the election, if the election of the Magistrates and Councillors of such Borough had not been reduced, shall, when revived by the justice and favour of the Crown, have no right or title to be a presiding Borough in the election of a Burgess to serve in Parliament for the district of Boroughs of which it is one, until the other Boroughs of the district, each in their turn, have successively provided, and that the right devolves upon such Borough in the ordinary course of rotation.

Stat. 15 GEO. III. Chap. 36. intituled,

Act to explain and amend Stat. 10 Geo. III. c. 41. and for enabling Speaker of House of Commons to make out new Writs for Choice of Members to serve in Parliament, in room of those who shall during Recess become Peers of Great-Britain, and be summoned to Parliament, &c.

By Sect. 1, nothing in Stat. 10 Geo. III. chap. 41. shall require the Speaker to insert notice in Gazette, or issue his warrant to make a new writ in the room of any Member deceased, whose death shall not be
duly

duly certified to him, so long before the actual meeting of the House for dispatch of business, as that he may be able to insert notice thereof, and of his intention to issue such warrant, fourteen days at the least before such meeting of the House ; or for the election of a Member in room of any Member deceased, against whose election or return petition had been presented to the House, and was actually depending at the time of such prorogation or adjournment.

By Sect. 2, the Speaker, during the recess of Parliament for more than twenty days, whether by prorogation or adjournment, is to issue his warrant to the Clerk of the Crown, to make out new writs for electing Members in the room of such as shall, during such recess, become Peers of *Great-Britain*, as soon as he shall receive notice, by a certificate under the hands of two Members, that a writ of summons hath been issued.

By Sect. 3, after receipt of certificate, the like notice in Gazette shall be given by the Speaker, as is required in the case of Members deceased ; and such notice and warrant shall be subject and liable to the same exceptions and regulations as are required by the said Act and by this present Act, in the case of notices to be given, and warrants to be issued in the room of Members dying during a recess.

Stat. 20 GEO. III. Chap. 17, intituled,
*Act to remove certain Difficulties relative to Voters
 at County Elections.*

By Sect. 1, after first day of January, one thousand seven hundred and eighty-one, no person shall vote for Knight of the Shire in *England* or *Wales*, in respect of any messuages, lands, or tenements, which have not, for six * calendar months next before such election, been assessed towards a Land-Tax (in case any such aid be then granted and assessable), in the name of the person who shall claim to vote in respect of such estate, or in the name of his tenant actually occupying the same.

By Sect. 2, not to extend to annuities or fee-farm rents (duly registered) issuing out of any such estate; nor to any person who became entitled by descent, marriage, marriage settlement, devise, or promotion to any benefice in the church, or to an office, within twelve * calendar months next before election; but he shall be entitled to vote, if estate has been, within 2 years next before election, rated or assessed to Land-Tax, in the name of the person by whom Voter shall derive his title to the estate, or in the name of some † Predecessor, within two years next before election, or in the name of the tenant of such person, he actually occupying estate.

By Sect. 3, Commissioners of the Land-Tax for *England* or *Wales*, at their respective meetings for appointing Assessors for the places lying within their

* The law would have deemed months 'lunar,' and not 'calendar,' had they not been so expressly named by the Legislature. See Co. Lit. 135. b. 2 Inst. 71. Lit. Rep. 19. 3 Tr. Atk. Rep. 346. 2 Black. Com. 141. Dougl. Hist. Controv. Elect. 293. n.

† 'Predecessor' seems more usually applicable to offices than estates.

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respective divisions, shall cause to be delivered to each of them, a printed * form of an assessment, hereunder written; according to which they are to make the same, and three duplicates thereof; and shall (at least fourteen days before such assessment shall be delivered to the Commissioners of the Land-Tax) cause one of the said duplicates, or a fair copy thereof, to be stuck up upon one of the doors of the church or chapel at place where assessment be made; but if made where no church or chapel, then to be stuck up

* The form of which is to be as follows :

County of N to wit :
For the Parish of
in the said County.

} An assessment made in pursu-
ance of an Act of Parliament,
passed in the
year of his Majesty's reign, for
granting an aid to his Majesty by
a land-tax, to be raised in *Great-
Britain*, for the service of the
year one thousand seven hundred
and

Names of Proprietors. Names of Occupiers. Sums assessed

A. B. ———	———	Himself. ———	———	———
A. B. ———	———	C. D. ———	———	———
E. F. ———	———	C. D. ———	———	———
C. D. ———	———	G. H. ———	———	———
I. K. ———	———			
and ———	———	N. O. ———	———	———
L. M. ———	———			
		R. S. ———	———	———
		and ———	———	———
P. Q. ———	———	T. U. ———	———	———

Signed this day of
17 by us

A. B. } Assessors.
C. D. }

on

on church or chapel in parish *next* * adjoining; and if person (renting, or occupying any estate) shall hold tenements belonging to different owners, same shall be separately rated, that proportion of land-tax may be known; and the said duplicates shall be delivered to the land-tax Commissioners, at their meeting for the receipt of assessments; and if the name of any owner of estate in parish entitled to vote, shall not appear to be included in assessment, such person may by himself, or agent, appeal to the Commissioners; and every person so intending to appeal, shall give notice to Assessor where rated; and the said Commissioners, on sufficient cause to be shewn, shall amend the duplicates, by inserting therein the name of the actual occupier and owner of estate, or person entitled to rents, or by erasing the name of person improperly inserted; and the said Commissioners are to cause one of the said duplicates so amended (after signed and sealed by three of Commissioners) to be returned to an Assessor, who is to deliver such duplicate, so amend-

* By Stat. 19 Geo. II. chap. 34, order of Council for smuggler to surrender is to be proclaimed in two market-towns 'near' the place where the offence was committed: a question arose, Whether the market-towns at which the order had been proclaimed being one, thirty miles, another 42, and the other five miles from the place, (there being several market-towns nearer) the Act of Parliament had been complied with? The Court (inter alia) said, that the Act did not confine the Sheriff to the 'next' market-towns; because that would have rendered the execution of the Act difficult, and subject to great niceties: nor did the law intend to leave the matter wholly to the discretion of the Sheriff: and therefore the Act requires, that the proclamation be made in the market-towns 'near' the place. This word is plainly restrictive of the Sheriff's power; it is a guide to his discretion in the execution of the Act. Fost. Rep. 58. So that the word 'next' in the above Act does not seem to have been adopted with legal judgment at least.

ed,

ed, within ten days, to chief Constable of the place for which assessment was made, shall lie, taking his receipt, who is also to deliver such duplicate upon oath, without any alteration, on the first day of the next General Quarter Sessions, in open Court, to the Clerk of the Peace, to be filed.

By Sect. 4, if Assessor shall neglect to deliver such duplicate to Constable or Clerk, at Sessions, or wilfully alter duplicate, he shall forfeit five pounds, to be levied as after mentioned.

By Sect. 5, at *Michaelmas* Sessions yearly, Clerk of Peace, or his deputy, shall, before the conclusion of Sessions, examine whether the duplicates of all assessments be delivered; and if any be not received by or delivered to such Clerk, or deputy, by the chief Constables, then Clerk, or deputy, shall report same to the Court, which shall immediately set said fine of five pounds on them, and Clerk or deputy shall give immediate notice of fine; and if same is not immediately paid, the Justices in Quarter Sessions shall, by order of Court, issue a warrant of distress for the recovery thereof, directed to the Constable of places where chief Constables live; and warrant shall be delivered or transmitted by Clerk of Peace, or deputy, to Constable, who is to levy fine by distress and sale of the goods and chattels of chief Constables, rendering the overplus (if any) to the owners, after deducting the reasonable charges.

By Sect. 6, if chief Constables shall voluntarily make oath at Sessions, that duplicate was not delivered to either of them by Assessor, in such case, the said fine shall be set upon such Assessor; and the Jus-

* Which oath said Magistrates are empowered by the Act to administer.

tices

tices in Sessions shall, by order of Court, issue a warrant of distress for the recovery thereof, directed to the Constable of the place, or to such other person as Justices shall think proper; and also shall, by order of Court, require chief Constable to give notice to Assessor, that fine hath been set; and chief Constables are to serve notices upon Assessors within fourteen days next after Sessions; and if Assessor shall not deliver duplicate, or chief Constable's receipt for the same, to the Clerk of the Peace, or his deputy, within ten days after being served with notice, then Clerk, or deputy, shall transmit warrant against Assessor to person to whom directed, who is to levy the said fine, by distress and sale of his goods and chattels, rendering the overplus (if any) to the owner, after deducting reasonable charges.

By Sect. 7, if either of Assessors shall, within the said ten days after notice, produce to Clerk of Peace, or his deputy, receipt of chief Constable for such duplicate, then Clerk, or deputy, shall deliver warrants against chief Constables as have signed receipt, to proper Constable to whom directed, that same may be executed, and warrant of distress for levying the fine upon Assessor shall not be executed.

By Sect. 8, fines to be set upon chief Constables and Assessors shall, after levied, be paid to the Treasurer of the County, or his *lawful* * deputy, to be applied as part of the county stock, under the direction of Sessions.

By Sect. 9, Whenever any assessment shall not have been made by Assessor, and returned to chief Constable,

* Why is the Deputy of the Treasurer of the County styled 'lawful', more than the Deputy of the Clerk of the Peace?

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ble, and by him to Clerk of the Peace, Justices at Sessions, or any two County Justices, may order assessment forthwith to be made and returned as aforesaid; and they shall have same effect as if made and returned at time and in manner before directed.

By Sect. 10, if any person shall be dissatisfied, or think himself aggrieved by any determination of the Commissioners, he may appeal to the Sessions, giving ten days notice to Commissioners and to Assessors; and the Justices in Sessions are, by examination upon oath, to hear and determine the appeal, and to amend assessments where necessary; and also to award reasonable costs; and by their order or warrant to levy the same by distress and sale, rendering the overplus (if any) to the owner, after deducting charges of distress.

By Sect. 11, if Commissioners, or Justices, upon appeal, shall find it requisite to insert in assessments, or duplicates, the name of any person improperly omitted, he shall be deemed to be rated as effectually as if his name had been originally inserted therein.

By Sect. 12, where any woman, the widow of tenant in fee or tail, shall be entitled to dower, by common law, out of the freehold estate of which her husband died seised, and shall intermarry with a second husband, he shall be entitled to vote in respect of such dower, if the same shall be of the clear yearly value of forty shillings, or upwards, although not set out by metes or bounds, if second husband shall be in the actual receipt of the profits of dower, and the estate contributes to the land-tax in the name of the actual owner.

* Which oath the Justices are authorised by the Act to administer.

By

By Sect. 13, every person, at all seasonable times, may resort to and inspect the said duplicates, in the hands of Clerk of the Peace, or his deputy, paying for every search, or inspection, one shilling; and he is, upon demand, to deliver a true * copy of duplicates, or part of them, to person desiring same, and paying Clerk of the Peace, or his deputy, sixpence for every three hundred words or figures, and so in proportion for any lesser number; which duplicates, and true copy, signed as aforesaid, and also the duplicate of assessment in the possession of the Commissioners or of the Receiver-General, or true copy of duplicates, signed by Commissioners, shall be legal evidence of such assessments, certificates, memorials, and books of entries, in all cases whatsoever.

By Sect. 14, Clerk of the Peace, or his deputy, shall, upon reasonable notice, attend every election of a Knight of the Shire, with the original duplicates, upon payment of two guineas for each day's attendance, and one shilling and sixpence a mile for his journey.

By Sect. 15, after issuing writ or precept for election, such Clerk of the Peace, or his deputy, shall attend, *gratis*, daily, from nine in the forenoon to three in the afternoon, at place where records of county are usually kept, from the time of the delivery of notice, to the day immediately preceding the day of election.

By Sect. 16, if Clerk of the Peace, or his deputy, shall not permit such duplicates to be inspected, or not deliver copy within the time before-mentioned, or shall neglect to attend, he shall, for every such offence,

* Copy directed to be signed by Clerk of Peace, or his deputy, purporting same to be true; and to be delivered in reasonable time after demanded. *Id. ib.*

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forfeit five hundred pounds to the party aggrieved, provided such action is brought within * two months after offence; and if no action be brought within time, then to any person suing for same in manner after-mentioned; and shall also forfeit his office on conviction; and be rendered incapable of being again appointed, or of acting as Clerk of the Peace for any county whatsoever.

By Sect. 17, final judgment upon any verdict against Clerk of the Peace, for recovery of forfeiture, shall be a sufficient conviction, without other prosecution; and immediately after judgment, his office and his deputy, shall be void.

By Sect. 18, the forfeitures or penalties laid on Clerk of the Peace, or deputy, may be recovered, with full costs of suit, by action of debt, bill, plaint, or information, in any Court of Record at *Westminster*, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed.

By Sect. 19, no person shall be liable to any forfeiture or penalty, unless prosecution be within twelve calendar months next after incurred.

* *Quære*, if 'calendar' or 'lunar' months, as they are not specified here, and as they have been in former sections of the Act?

RESO-

RESOLUTIONS

OF THE

C O M M O N S,

CONCERNING THE

RIGHT OF ELECTION IN ALL THE COUNTIES,
COUNTIES PALATINE, CITIES, TOWNS, AND
BOROUGHES IN ENGLAND, SCOTLAND, AND
WALES.

February 19, 1621.

STATED, That the election for the City of
Oxford is in the Mayor, fifteen more, called
Magistrates; and Common-Council, making in
all 48.

March 14, 1623.

Resolved, That the right of election of Barons for
Town and Port of *Dover*, in *Kent*, is in * Freemen
and Free Burgesses, inhabitants of *Dover*.

April 2, 1644.

Resolved †, That the new Charter alters not the †
custom; and that the § Burgesses and Freemen, more
than twelve, have voice in the election for *Chippenham*,
in *Wiltshire*.

* Non-inhabitant as well as inhabitant Freemen, and
Free Burgesses, have voice in the election. So resolved by
Committee, March 12, 1770.

† See 1 Dougl. 329.

‡ Where there is no custom or charter for election, there
the inhabitants (householders) ought to elect. So resolved,
May 21 and 28, 1724. See 2 Dougl. 232.

§ The words "Burgesses and Freemen" do not mean
only such Burgesses as are inhabitants, householders of the
ancient houses, called free or Burgage-houses, within the
said Borough of *Chippenham*. So resolved, January 28,
1741—2. See 1 Dougl. 339.

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April 9, 1624.

Resolved*, That the right of election for *Newcastle*, in *Staffordshire*, is in Mayor, Bailiffs, and Common-Council.

May 21, 1624.

Resolved, That the right of election for *Cirencester*, in *Gloucestershire*, is in all † the inhabitants, householders.

May 28, 1624.

Resolved † by Committee, That election § for *Pontefract*, in *Yorkshire*, is to be made by inhabitants, householders, residents there.

March 26, 1628.

Right of election for *Gatton*, in *Surry*, insisted to be in inhabitants not receiving || alms, paying ** scot and lot, and in Freeholders having †† such freehold in their own occupation.

* Agreed to be in Mayor, Burgesses, and Freemen. Feb. 27, 1705.

† Inhabitants inmates (so resolved, Nov. 4, 1690), nor those of the Abbey, Emery, and Spiringate-lane, though not receiving alms. So resolved, Dec. 8, 1709.

‡ 1 Dougl. 381. See Id. 382.

§ Agreed to be in such persons as have an inheritance or freehold of burgage tenure within Borough, January 17, 1699—1700. 1 Dougl. 389. paying Burgage rent. So agreed, March 22, 1715—16. 1 Dougl. 390. So resolved, February 6, 1776. 1 Dougl. 382, 383.

|| Alms mean parochial collection, or parish relief. 1 Dougl. 370. So insisted Dec. 15, 1696.

** By persons paying scot and lot, are meant those whose circumstances are sufficiently independent to enable them to contribute in general to such taxes and burthens as they are liable to, as inhabitants of the place. 1 Dougl. 146, 147. 3 Dougl. 38, 41, 50, 75, 127. Persons rateable, and having paid to rates, though made by illegal or doubtful Officer, have right to vote as inhabitants paying scot and lot. So resolved by Committee, January 21, 1775.

1 Dougl. 129, 141, 142. 2 Str. 1259.

†† So insisted, March 26, 1628.

April

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April 12, 1628.

Resolved *, That the † Commonalty in general of *Bridport, Dorsetshire*, ought to have voices in the election of Burgesses for Parliament.

May 3, 1628.

Resolved †, That the right of election for *Warwick* is in the § Commonalty of the Town, || paying to church and poor.

May 8, 1628.

Resolved, ** That the right of election for †† Burgesses to serve in Parliament for *Boston, Lincolnshire*, resteth in the Commonalty, and not †† in the Mayor, Aldermen, and Common-Council.

* 2 Dougl. 292, 293.

† Resolved, That it is a void election for want of warning to the Commonalty. Id. 292. Resolved, That the above words, 'Commonalty in general,' extend only to inhabitants householders paying scot and lot. 2 Dougl. 293. See note on resolution of June 9, 1660. Agreed, May 5, 1715, that election was in all inhabitants not receiving alms.

‡ 2 Dougl. 293.

§ The word Commonalty means inhabitants. —

2 Dougl. 294.

|| So resolved, January 3, 1722—3.

** 2 Dougl. 290, 291. Agreed by Committee, 2 Dougl. 290.

†† Election of Burgesses in all Boroughs does of common right belong to Commoners; and nothing can take it from them but prescription and constant usage beyond all memory. This case applies exactly to shew, that no usage within time of memory can narrow the right of election.

2 Dougl. 291. It is an established maxim, that no consent of parties can alter the right of elections. See 1 Dougl. 270.

‡‡ Only in them and Freemen resident in Borough, and paying scot and lot. So resolved, March 20, 1711. Such Freemen claiming their freedom by birth or servitude. So resolved, March 2, 1719.

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June 9, 1660.

Resolved, That the right of election for *Plymouth*, in *Devonshire*, is in Mayor and * Commonalty.

August 3, 1660.

Stated, That the right of election for *Camelford*, in *Cornwall*, is in Freemen, and inhabitants paying scot and lot.

December 10, 1660.

Resolved, That the right of election for † *Hellston*, or *Helleston*, in *Cornwall*, is not in Mayor, and inhabitants at large; but † has constantly been in Mayor and Commonalty, which has always been understood to mean, the Mayor, Aldermen, and Freemen only.

February 4, 1661.

Resolved, That the right of election for *Clitheroe*, in Palatinate of *Lancaster*, is in Freeholders only, having estates for life, or in fee.

February 26, 1661.

Resolved, That the right of election for *Ludlow*, in *Shropshire*, is in all the reſtant common § Burgeſſes, as well as the 12 and 25.

* Commonalty extends to Freemen only of the Borough. So resolved, January 17, 1739—40.

† There is no resolution of the right of election but admitted to be as above stated, March 11, 1775. 2 Dougl. 4.

‡ So admitted, March 11, 1775.

§ New Charter granted the Town, altering the ancient method of electing Burgeſſes for Parliament, resolved to be illegal and void, Dec. 22, 1690; and that the ſons of Burgeſſes, and thoſe who marry their daughters, have a right to be Burgeſſes; and that every perſon having ſuch right, ought to demand it by petition, ſigned by Petitioner, according to the bye-law made in 1663. So resolved, March 1, 1698.

May

May 20, 1661.

Resolved*, That the inhabitant† Freeholders only in *Haslemere*, in *Surry*, have vote in Parliamentary † elections.

June 15, 1661.

Opinion of Committee § was, That Out-burgesses had equal voices in elections || for Town and County of *Poole*, in *Dorsetshire*, with In-burgesses.

December 18, 1661.

Resolved**, That †† all the inhabitants of *Preston*, in *Lancashire*, have voices.

* 2 Dougl. 321.

† By the word Freeholders is meant only Freeholders of messuages, lands, or tenements, lying within the said Borough and Manor, whether the same yield rent to the Lord thereof, or not, exclusive of any lands or tenements which are, or have been parcel of the waste of the said Borough and Manor; or any messuages or buildings which are or shall be standing thereon. So resolved, April 25, 1755. Voters need not occupy the freeholds for which they vote; it is enough that they live and have freeholds in *Haslemere*.

2 Dougl. 322.

† Same resolution, February 9, 1698.

§ So reported from Committee, 2 Dougl. 295.

|| The House would not agree with Committee, Feb. 9, 1688—9, election in Mayor, Burgesses, and Commonalty who pay scot and lot. 2 Dougl. 229. In March 1775, Committee under Stat. 10 Geo. III. chap. 16. declined deciding, whether proceedings on Feb. 9, 1688—9, contained determination of House, within meaning of Stat. 2 Geo. II. chap. 24. sect. 4? 2 Dougl. 250.

** 1 Dougl. 404.

†† House would not admit evidence to shew that the right of election was in all the inhabitants, or that those words meant only 'such In-Burgesses of the last Guild, or those admitted since, by copy of Court roll, as are inhabitants of the place; but all the inhabitants at large.' So resolved, November 29, 1779.

January 15, 1661—2.

Resolved, That right of election for *Warrham*, in *Dorsetshire*, is in Mayor, Magistrates, and * Freeholders, and all who pay scot and lot.

April 28, 1662.

Resolved, That the right of election for *Beawdley*, in *Worcestershire*, is in Bailiff and † Burgeses appointed by charter of *Jac. I.* exclusive of all ‡ others.

April 26, 1665.

Resolved, That the inhabitants of *Northampton*, being householders, and not receiving alms, are the proper Electors for that Town.

February 10, 1669.

Resolved, That the right of election for *Orford*, in *Suffolk*, is in the Mayor, Portmen, capital Burgeses, and Freemen not § receiving alms.

September 22, 1669.

Resolved, That the right of election for *Evesham*, in *Worcestershire*, is in the common Burgeses of the Borough.

* Of lands and tenements there, who have been * *bonâ fide* to their own use, in actual occupation or receipt of rents and profits of them, for one whole year next before election; except same came by descent, devise, marriage, marriage settlement, or promotion to benefice. So resolved, January 19, 1747—8. 1 Dougl. 213.

† Resolved, January 24, 1769, that five persons elected 31 Aug. 1767, had no right to vote.

‡ Resolved, May 27, 1679, that all the inhabitants have not a right to vote.

§ So resolved, January 29, 1702.

December

RESOLUTIONS OF THE COMMONS.

121

December 7, 1669.

Stated, That the right of election for *Bridgewater*, in *Somerſetſhire*, is in the majority of the Corporation, conſiſting of Mayor, Aldermen, and 24 capital Burgeſſes, being * inhabitants of that † diviſion of the ſaid pariſh of *Bridgewater*, commonly called *The Borough*, paying ſcot and lot within ſaid diviſion, and in them only.

February 10, 1670.

Resolved †, That the § Bailiffs, Jurors, and Freemen of the Town and Port of *Seaſord*, in *Suſſex*, had not only voices in elections, but alſo that the election was in the || populacy.

April 7, 1679.

Resolved, That ** inhabitants, as well as Burgage-holders †† of *East-Grinſtead*, in *Suſſex*, have right to vote.

* If Mayor, Aldermen, and capital Burgeſſes, are not inhabitants, though they pay ſcot and lot, yet they have no right to vote. So reſolved, March 9, 1769.

† The inhabitants of the Eaſtern and Weſtern Diviſions of the pariſh of *Bridgewater* have no right to vote. So reſolved, March 14, 1769.

‡ 1 Dougl. 330. 3 Dougl. 22, 24, 29.

§ Houſe reſuſed to admit evidence to ſhew, that the words, 'Bailiffs, Jurors, and Freemen,' meant 'ſuch Bailiffs, Jurors, and Freemen only, as are reſident within ſaid Town and Port.' So reſolved, December 10, 1761. 1 Dougl. 331, 3 Dougl. 24, 25.

|| 'Populacy' extends only to the inhabitants, houſe-keepers of ſaid Town and Port, paying ſcot and lot. So reſolved, December 15, 1761. 1 Dougl. 340. 3 Dougl. 26, 28, 30, 56. The like reſolved again, December 15, 1765. 3 Dougl. 29, 30. 'Populacy' hath been uſed as different from 'inhabitants paying ſcot and lot,' and ſynonymous to 'Potwallers' 3 Dougl. 56 77.

** Not in Burgage-holders and inhabitants. So reſolved, February 9, 1695.

†† In Burgage-holders only. So reſolved, Feb. 9, 1695.

November

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November 4, 1680.

Resolved, In *New-Windsor*, in *Berkshire*, those inhabitants * only who pay scot and lot, have right to vote.

November 15, 1680.

Resolved †, That the King's ‡ menial servants, not having proper houses of their own within *Westminster*, have no right to give § voices in election for that City.

November 26, 1680.

Resolved, That the right of election for *Monmouth*, doth not belong to the Burgesses inhabitants of that Borough only; but that the Burgesses inhabitants of the Borough of *Newport* and *Usk*, in the County of *Monmouth*, have a right to vote.

December 11, 1680.

Resolved, That in *Agmondesham*, *Bucks*, those inhabitants only who pay scot and lot, have right to give voices in the election of Burgesses.

April 1, 1684.

Agreed, That the right of election for *Cricklade*, in *Wiltshire*, is in the || Freeholders and Copyholders of

* Mayor, Bailiff, and select number of Burgesses only. So resolved, May 2, 1689. Not they, but all the inhabitants, have a right. So resolved, April 5, and May 17, 1697.

† 1 Dougl. 161.

‡ Being now rated to the parish, for their houses in the Mews, though rates paid by the King, they claim to be Electors. 1 Dougl. 163.

§ No general determination of right of election; but seemed to be agreed to be in inhabitants Householdors, paying scot and lot. 1 Dougl. 160.

|| Ought to be seised of an estate in their own right, and not in that of their wives. 4 Dougl. 12.

the

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the Borough * houses, and Leaseholders for any term not under three years only ; or † for any such term, or greater term, determinable on life or lives ; such Freeholder, Copyholder, or Leaseholder, having been in ‡ occupation of the house for which he claims to vote, four days preceding any election ; and that the houses in the occupation of T. B. T. K. senior, R. D. H. M. J. P. and R. S. at last election, are within the § boundary of said Borough.

June 7, 1685.

Resolved, That the right of election for *Thetford*, in *Norfolk*, is in Mayor, ten Burgesses ; in the Commonalty or Common-Council, twenty.

March 21, 1688.

Resolved, That the right of election for *Devizes*, in *Wiltshire*, is in Mayor and select number of Burgesses only.

November 14, 1688.

Resolved, That the election for *Old Sarum*, otherwise *Salisbury*, in *Wiltshire*, is in Freeholders, being Burgage-holders, of the said Borough ; resolved || to be in select number, viz. Mayor and Corporation, consisting of 56 persons.

January 8, 1689.

Resolved, That those who receive alms according to 43 *Eliz.* chap 2. for relief of the poor, have no voices for *Abingdon*, in *Berkshire*.

* It is observable, that these words, ' Borough houses,' are not in agreement of June 10, 1685.

† So resolved by Committee, February 8, 1776.

‡ See our note to Resolution of May 20, 1661.

§ See 4 *Dougl.* 65, 66, 78. Resolution of April 1, 1689, and February 22, 1695—6 to same purpose.

|| April 1, 1689.

April

April 1, 1689.

Resolved *, That the right of election for *Andover*, in *Southampton*. is in the Bailiff, and select number of Burgesses only.

April 24, 1689.

Resolved, That the right of election for *Guildford*, in *Surry*, is only in † Freemen and Freeholders, paying scot and lot, resident in that Town.

May 7, 1689.

The Right of election for *Ilchester*, or *Ivelchester*, in *Somersetshire*, alledged to be in † inhabitants of the said Town paying scot and lot, which the Town call § Potwallers.

May 21, 1689.

Insisted, That the right of election for *Lime Regis*, in *Dorsetshire*, is in the Mayor, || Burgesses, and ** Freeholders.

May 29, 1689.

Resolved, That the right of election for *Truro*, in *Cornwall*, is in Mayor and select number of Burgesses.

* Same Resolution, January 28, 1702.

† Admitted Feb. 3, 1710—11, before Committee of Elections, that person who has served seven years apprenticeship in *Guildford Town* to a Freeman, is 'ipso facto' a Freeman. 1 Dougl. 271.

‡ Agreed to be in Bailiff, capital Burgesses, and inhabitants not receiving alms, January 28, 1702.

§ A Potwaller is a person who furnishes his own diet, whether he be an Householder, or only a Lodger. 1 Dougl. 271.

|| Alledged to be in the capital Burgesses, Feb. 28, 1727.

** Alledged to be in the Freemen, Feb. 28, 1727.

November

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November 28, 1689.

Committee reported, That it appeared, that the right of election for *Dartmouth*, alias *Clifton Dartmouth Hardnes*, in *Devonshire*, was in the Freemen of the said Borough.

December 12, 1689.

Resolved, That the right of election for *St. Michael* in *Cornwall*, is in the Lords of the Borough, who are liable to be chosen Portreeves * thereof, and in † Householders of same, not receiving alms.

December 31, 1689.

Resolved, That the right of election for *Southampton*, in *Hampshire*, is in the † Burgeses and inhabitants of the said Town and County of the Town.

March 17, 1690.

Agreed §, That the right of election for *Knaresborough*, in *Yorkshire*, was in the Burgeholders.

April 12, 1690.

Resolved ||, That the right of election for *Bedford Town*, is in Burgeses, ** Freemen, and Inhabitants

* In Portreeves, and Lords of Manor capable of being Portreeves. So resolved, March 20, 1700.

† In inhabitants thereof paying scot and lot. So resolved, March 20, 1700.

‡ The outliving Burgeses, as well as the Burgeses inhabitants, paying scot and lot, have a right to vote. So resolved, March 17, 1695—6.

§ So agreed again, May 17, 1691.

|| 2 Dougl. 70.

** Difference between Burgeses and Freemen in *Bedford* is, that all sons of a Burgeses are entitled to be Burgeses; and only eldest son of a Freeman entitled to be a Freeman.

2 Dougl. 70, 71.

being

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being * Householders of *Bedford*, not receiving † alms.

April 30, 1690.

Resolved, That Quakers having freehold, and refusing to take oath, are incapable of giving their votes for Knights of the Shire.

May 17, 1690.

Resolved, † That all the inhabitants of *Aldborough*, in *Yorkshire*, paying scot and lot, have right to vote.

October 26, 1690.

The Right of election for City of *Winchester*, in *Hampshire*, was stated to be in Mayor, Recorder, Bailiffs, and Corporation.

October 31, 1690.

Resolved, That the Freemen of the Port of *Sandwich* inhabiting therein, receiving alms, have not a right to vote.

* This word 'Householders' does not refer to Burgesses and Freemen, but to inhabitants only: of this opinion were the Committee for determining controverted elections, in 1775. 2 Dougl. 91.

† The Committee under Stat. 10 Geo. III. chap. 16. were of opinion, that persons receiving Sir W. Harpur's Charity, are not disqualified within meaning of the above resolution, from voting. March 15, 1775. 2 Dougl. 110. Receiving 'bye-money' does not disqualify for Cirencester, Gloucestershire. So agreed by House, Nov. 8, 1690.

† This is the last determination for this Borough. 1 Dougl. 407.

November

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November 11, 1690.

Resolved, That the right of election for *Droitwich*, in *Worcestershire*, is in the Burgesses of the Corporation of the *Saltsprings* of *Droitwich*.

November 11, 1690.

Resolved, That the right of election for *Buckingham*, in *Bucks*, is in the Bailiff and twelve Burgesses only.

November 12, 1690.

Resolved*, That the right of election for *Nevo Radnor*, in *Wales*, is in the † Burgesses of *Radnor*, *Ryader*, *Knighton*, *Knucklas*, and *Kevenlice* only.

December 2, 1690.

Stated, That the right of election for *Chester* is in the † Freemen of the City.

December 8, 1691.

Resolved, That the right of election for *Dunwich*, in *Suffolk*, is not in the § Freemen of the said Borough, commonly called Outfitters, as well as in the Freemen inhabiting within the said Borough.

* 1 Dougl. 317, 318.

† Id. 318, &c. Burgesses of *Ryader* and *Knucklas*, claiming by virtue only of presentment made in pretended court leet, held under authority of letters patent, not inrolled within time expressly required thereby, in order to their validity, ought not to be admitted as legal voters. So resolved March 7, 1769.

‡ Resolved, February 9, 1747-8, to be in Mayor, Aldermen, and Common-council of the City, and in such Freemen thereof, not receiving alms, commorant therein, or liberties thereof, for one whole year next before election.

§ Only in them. Id. ib. is in them. So resolved Nov. 25, 1695. only in them inhabiting within Borough, not receiving alms. So resolved February 5, 1708.

December

December 29, 1691.

Resolved, That Mayor and Burgesses of *Lymington*, in *Southamptonshire*, only, * have right to elect.

December 29, 1691.

Resolved, That the right of election for *Banbury*, in *Oxfordshire*, is in the Mayor, Aldermen, and capital Burgesses.

February 7, 1693.

Agreed, That the right of election for *Worcester* City, is in Freemen not receiving alms, or Citizens, and †admitted to their freedom by birth, servitude, or redemption, in order to trade within said City.

February 22, 1693.

Resolved, That the right of election for *Arundel*, in *Sussex*, is only in the inhabitants paying scot and lot.

March 9, 1694.

Resolved, That the right of election for *Morpeth*, in *Northumberland*, is only in the Bailiffs and free Burgesses.

January 24, 1695.

Resolved, That the right of election for *Portsmouth*, *Southamptonshire*, is in Mayor, Aldermen, and Burgesses only.

* Paying scot and lot. So resolved February 18, 1695-6. Not in Mayor, Burgesses, and Inhabitants; not receiving alms, but in Mayor and Burgesses only. So resolved, January 11, 1710.

† So resolved, February 11, 1747-8. 2 Dougl. 153. 3 Dougl. 242.

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February 18, 1695.

Resolved, That the right of election for *Wells*, in *Somersetshire*, is only in the Mayor, Masters, and Burgesſes of the City; and * in ſuch perſons as are (by † conſent of Mayor and Common Council of ſaid City) admitted to their freedom in any of the ſeven trading Companies of ſaid City, being thereunto ‡ entitled by birth, ſervitude, or marriage.

February 29, 1695.

Resolved, § That right of election for *Shaſteſbury*, in *Dorſetſhire*, is not only in the Mayor and Burgeſſes of the ſaid Borough, but is only in the inhabitants thereof paying ſcot and lot.

March 5, 1695.

Agreed, That the right of election for *Tregony*, in *Cornwall*, is in all the inhabitants who provide for themſelves, whether they live under ſame roof or not.

March 9, 1695.

The right of election for *Berwick*, in *Northumberland*, is ſtated in report to be in Freemen of the Borough.

May 13, 1695.

Resolved, That the right of election for *Taviſtock*, in *Devonſhire*, is in the Freeholders of inheritance in

* Same Reſolution.

† Without ſuch conſent, by Reſolution dated April 18, 1729.

‡ 1 Dougl. 328, 329.

§ 2 Dougl. 304.

℞

poſſeſſion,

possession, inhabiting within the Borough *; who † have been, or shall be presented as such, by Jury of Inquiry thereof.

January 28, 1695-6.

Resolved, † That the right of election for *Aylesbury, Bucks*, is in all the Householders not receiving § alms.

May 4, 1695-6.

Resolved, That the right of election for *Totness, in Devonshire*, is in the || Freemen not inhabiting, as well as those inhabiting within the Borough.

March 28, 1696.

Committee reported, That right of election for *Colchester, in Essex*, was agreed to be in sworn ¶ Burgessees not receiving alms. Resolved, May 6, 1714, That election was in Mayor, Aldermen, Common Council, and free Burgessees not receiving alms.

* The like Resolution, January 19, 1702.

† So resolved, February 4, 1696.

‡ 2 Dougl. 104.

§ All persons receiving alms, or any other charity annually distributed within the said Borough, are, in respect thereof, disabled to vote. So resolved, February 7, 1698-9. 2 Dougl. 104. Inhabitants who receive any constant alms weekly, monthly, quarterly, or yearly, have no voices in parliamentary elections. So resolved, January 8, 1689. Sharing in charitable gift appointed to be distributed at Christmas, is taking alms. So resolved, April 26, 1665, in the case of Northampton.

|| Resolved, That persons made free by James the Second's Charter, have no right to vote. Id. ib.

¶ Resolved, January 27, 1710, that Mayor cannot make foreigners free of this Borough, without consent of majority of Aldermen and Common-council. Right of making foreigners (not being intitled to freedom by birth or servitude) freemen, is in Mayor and Free Burgessees in Common-Hall assembled. So resolved, May 6, 1714.

January

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January 11, 1698.

Resolved, That the right of election for *Ludgershall*, in *Wiltshire*, is in such persons as have an estate of inheritance or freehold, or leasehold, determinable upon life or * lives.

January 13, 1698.

Agreed, That right of election for *Weobly*, in *Herefordshire*, is in inhabitants of houses of twenty shillings a-year, paying scot and lot. Resolved † To be in inhabitants of ancient vote houses of twenty shillings a-year value and upwards, residing in said houses forty days before election, and paying scot and lot; and also in owners of such ancient vote houses, paying scot and lot, who shall be resident in such houses at time of election.

January 30 †, 1698,

Resolved, That right of election for the port of *Hastings*, in *Suffex*, is in the Mayor, Jurats, and Freemen resident, and not receiving alms, only.

February 10, 1698.

Resolved, That office of Commissioner of Stamp Duties vacates seat in Parliament.

February 14, 1698.

Resolved, That office of Collector and Manager, under Stat. 9 and 10, Will. III. chap. 44. and of Commissioner for licencing Hawkers and Pedlars, &c. vacates seat.

* So resolved, January 17, 1705.

† March 3, 1736.

‡ An unusual day for House to sit, being the Anniversary of the Royal Martyrdom.

February 20, 1698.

Resolved, That office of Receiver of Duty upon Houses, Births, &c. vacates seat.

December 22, 1698.

Resolved, *rem. con.* That no alien, not being denizen, or naturalized, hath any vote.

January 11, 1699-1700.

Resolved †, That the Mayor, Aldermen, and all the inhabitants within *Newark upon Trent*, in *Nottinghamshire*, who pay, or ought to pay, scot and lot, within said borough, have a right to vote.

February 3, 1699.

Agreed, That right of election for *Bishop's Castle*, in *Shropshire*, is in Bailiff, and all the Burgeſſes within the Borough.

March 17, 1699.

Resolved †, That the right of election for *Tamworth*, in *Staffordshire* and *Warwickshire* is in the inhabitants being || householders, paying scot and lot, and not receiving || alms, and in such persons as have freeholds within the Borough, whether resident therein or not.

April 6, 1699.

Reported, That right of election for *Corfe Castle*, in *Dorsetshire*, appeared to be in lessors for years, paying scot and lot, and also in such persons as have a

† 3 Dougl. 100, 101.

† 3 Dougl. 78, 79.

§ So resolved, December 2, 1702.

|| So resolved, January 23, 1722.

freehold

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freehold in reversion upon such lease for * years, determinable upon life or lives, paying scot and lot ; and † in no others.

November 21, 1699.

Resolved §, That in *Great Marlow, Bucks*, those inhabitants only who pay scot and lot, have a right to vote.

March 10, 1700.

Resolved, That right of election for *St. Albans, Hertfordshire*, is in the Mayor, Aldermen, and Freemen, and such Householdors only as pay scot and lot ||, and such Freemen only, as have a right to freedom by birth or service, or have it by redemption, in order to trade or inhabit within the said Borough, and in the householders paying scot and lot. So resolved, *Nov. 24, 1705.*

January 27, 1701.

Resolved, That right of election for *Hertford*, is not in such persons only as are inhabitants, Householdors of the said Borough not receiving alms, and in such Freemen, who, at the time of their freedom granted to them, were inhabitants of the said Borough, or of the parishes thereof ; but in all the Freemen, and also in all the inhabitants, being Householdors, and not receiving alms. Resolved, *Dec. 5, 1705*, That the right was in the inhabitants not receiving alms, and in such Freemen only, as, at the

* So agreed, *March 2, 1699.* that is seized in fee, in possession, or reversion, of any messuage, tenement, or corporeal hereditament, within the Borough. So agreed, *January 21, 1718.*

† So agreed, *Jan. 21, 1718.*

§ 3 Dougl. 82.

|| So resolved again, *April 27, 1714.*

time of their being made free, were inhabitants of the said Borough, or the parishes thereof; the number of the Freemen living out of the Borough not exceeding three persons.

February 7, 1701.

December 8, 1702.

Agreed, That right of election for *Maidstone* in *Kent*, is in the Freemen not receiving alms or charity.

March 10, 1701.

Resolved, That Bailiff, Magistrates, Freeholders of forty shillings a-year, and all that hold by Burgage-Tenure, and such Freemen only as are inrolled, and pay scot and lot; such Freemen only of the Taylors Company as are inrolled in the new book of the Constitutions of the Taylors Company in the City of *Litchfield*, in *Staffordshire*; have a right to vote. So resolved again, *December* 10, 1718. Such Freemen of the Taylors Company as are inrolled in the old book of the Constitutions of that Company in the City of *Litchfield*, have not a right to vote. So resolved again, *Dec.* 10, 1718.

March 12, 1701.

Resolved, That right of election for *Norwich*, *Norfolk*, is in the Freeholders and such Freemen only of the said City, as are entered in the books, and do not receive alms or charity; and that † such persons as had a right to their freedom in the City of *Norwich*, before the † teste of the writ, and took out their freedom after the said teste, not having demanded the same before the said teste, had not a right to vote.

April 10, 1701.

Resolved, That right of election for *Steyning*, in

† 1 Dougl. 267.

† See p. 10. of Extracts, n.

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Suffex, is in § inhabitants paying scot and lot, and not receiving alms.

April 15, 1701.

Resolved, That right of election for *East-Retford*, in *Nottinghamshire*, is as well in the Burgesses non-resident, as resident within the said Borough; in such *Freemen only, as have a right to their freedom by birth, as eldest sons of freemen, or by serving seven years apprenticeship, or have it by redemption, whether inhabiting or not inhabiting in the said Borough at the time of their being made free. Resolved, *March 17, 1702*, That the younger sons of Freemen have not a right to demand their freedom of the said Borough; and that persons not inhabiting in the said Borough, are incapable of being made free of the said Borough by redemption. And also, that all the sons of Freemen have a right to their freedom.

May 5, 1701.

Resolved, (by the Committee) that right of election for *Fowey* in *Cornwall*, is in the Prince's Tenants who are capable of being Portreeves of the said Borough, and in such inhabitants only as pay scot and lot. Resolved, *March 5, 1770*, (by the Committee) That the Prince's Tenants capable of being Portreeves of the Borough of *Fowey*, are such tenants only, as have been duly admitted upon the court-roll of the Manor, and have done their fealty.

§ In Constables and Householdors (inhabitants) within Borough, paying, &c. So resolved, Feb. 10, 1710.

* So resolved, Jan. 17, 1705, and Jan. 11, 1710.

June 10, 1701.

Agreed, That right of election for *Nottingham*, was in the Mayor, Freemen, and Freeholders of forty shillings a-year; and that the eldest sons of Freemen by their birth, the youngest sons of Freemen who had served seven years apprenticeship, whether at *Nottingham*, or elsewhere; and also such persons as served apprenticeships to any Freemen of *Nottingham*, were well intitled to demand their freedom.

May 9, 1727.

Resolved, That right of election for *Petersfield*, in *Southamptonshire*, is in the Freeholders of lands, or ancient dwelling-houses, or Hambles, built upon ancient foundations, within the said Borough.

June 16, 1701.

Agreed, That right of election for city of *Peterborough*, in *Northamptonshire*, was in * inhabitants paying scot and lot.

* In Inhabitants within precincts of Minster there, being Householdiers not receiving alms, and in other the Inhabitants within the said City paying scot and lot. So resolved, May 13, 1728. 3 Dougl. 64. Word 'Householders,' in the above resolution of 13 May, relates to the Inhabitants within the Precinct of the Minster only, and not to other the Inhabitants within the said City paying scot and lot. So resolved by the Committee, 25 Nov. 1775. 3 Dougl. 88, 89.

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February 24, 1701—2.

Resolved*, That the † Freemen of *Coventry*, in *Warwickshire*, receiving alms or ‡ charity, have no right to vote. That the election for that City, is in such persons who have served apprenticeships for seven years within the City, to one and the same trade, not receiving alms or constant ‡ charities.

January 28, 1702.

Agreed, That right of election for *Cheping Wiccombe*, in *Buckinghamshire*, is in Mayor, Bailiffs, and Burgesses not receiving alms.

Resolved, That right of election for *Higham-Ferrers*, in *Northamptonshire*, is in the Mayor, Aldermen, Burgesses, and Freemen, being householders and not receiving alms.

Right of election for *Ilkchester* or *Iwelchester*, *Somersetshire*, agreed to be in Bailiff, capital Burgesses, and inhabitants not receiving alms.

November 10, 1702.

Resolved, That right of election for *Southwark*, in

* 2 Dougl. 99.

† Members of the Company of Fullers of *Coventry*, being Freemen not receiving alms, or weekly charity, have a right to vote; and all such Freemen of the City of *Coventry* as do not receive alms or weekly charity, and have served seven years apprenticeship within the said City or suburbs thereof, so resolved, March 13, 1711; such Freemen being duly sworn and enrolled, so resolved, November 20, 1722.

‡ Persons receiving Sir Thomas White's gift, not disabled from voting, so resolved, March 1, 1708; nor persons receiving Thomas Wheatley's gift, so resolved, March 3, 1708.

Surrey,

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Surry, is only in inhabitants † of said Borough paying scot and lot.

November 21, 1702.

Resolved, That persons coming by certificate to live in *Wendover, Buckinghamshire*, have not thereby a right to vote for the election of Members to serve in Parliament for the said Borough.

November 28, 1702.

March 17, 1700.

Agreed, That right of election for *Wilson, in Wiltshire*, was in Mayor and Burgesses.

December 1, 1702.

Resolved, That the tenants of burgage-houses by lease for years absolute, have a right to vote for *Westbury, in Wiltshire*; and that the election is in every tenant of any burgage-tenement in fee, for life, or ninety-nine years determinable on lives, or by copy of court-roll, paying a burgage-rent of fourpence or two-pence yearly, being resident within the Borough, and not receiving alms. So resolved, *June 1, 1715*.

December 8, 1702.

Resolved, † That right of election for *Milborne Port, in Somersetshire*, is only in the capital Bailiffs, and their Deputies, in the Commonalty Stewards, and inhabitants thereof paying scot and lot.

Resolved †, That right of election for *St. Ives, in Cornwall*, is in the inhabitants of the said Borough paying scot and lot.

† Resolved, *June 29, 1714*, That persons inhabiting in *Mint, or Rules*, paying rent of 10l. a-year, or upwards, have right to vote, if they do pay scot and lot within the Borough.

† 2 Dougl. 392.

December

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December 13, 1702.

Agreed, That right of election for *Malmesbury*, in *Wiltshire*, is in Aldermen, and 12 capital Burgeffes.

December 19, 1702.

Resolved, That right of election of Barons for Port of *Rye*, in *Suffex*, is only in the Mayor, Jurats, and in the Freemen inhabiting in the said Port, and paying scot and lot.

January 19, 1702-3.

Resolved §, That the || sons of * Freemen, born after their fathers were made free, and those that have served apprenticeships, in *Sudbury*, in *Suffolk*, have a right to vote for said Borough, without admission in form to their freedom, or taking the oath of Freemen.

January 28, 1702-3.

Resolved †, That right of election for *Plympton*, in *Devonshire*, is in the Mayor, Bailiff, and Freemen of the said Borough, and in the sons of Freemen, who have a right to demand their freedom, and have been refused the same.

§ 2 Dougl. 133. See 1 Dougl. 271, 272.

|| Committee under Stat. 10 Geo. III. c. 16. were of opinion, That persons who derived their claim to their freedom from the antecedent title of birth, who had exercised all the rights of Freemen, and that of voting for Members of Parliament among the rest, for twenty years and upwards before the last election, who had demanded to be Inrolled (and offered to prove that at their birth their fathers exercised and enjoyed the rights and franchises of Freemen) but were refused, had a right to vote, though they could not produce evidence of their admission enrolled upon Stamps. So resolved, March 18, 1775. 1 Dougl. 176.

* Or those made free by redemption. So resolved, Dec. 6, 1703. 1 Dougl. 132.

† Dougl. 237.

January

January 18, March 10, 1703.

June 1, 1715.

Agreed, That right of election for *Bramber*, in *Sussex*, is in the persons inhabiting ancient houses, or in houses built on ancient foundations, paying scot and lot.

February 8, 1705.

Agreed, That right of election for *Leicester Town*, in *Leicestershire*, was in Freemen not receiving alms, and inhabitants paying * scot and lot.

January 27, 1706.

Resolved, That right of election for *City of Bath*, in *Somersetshire*, is in the Mayor, Aldermen, and Common-council only.

February 26, 1707.

Resolved, That right of election for *Ashburton*, in *Devonshire*, is in the Freeholders having lands or tenements holden of the Borough only. Resolved, March 17, 1710, That the Freeholders of the lands and tenements called *Halfbanger* and *Holwell* lands, *Ashburton*, and subject to pay a Borough rent, have right to vote.

January 18, 1708.

Resolved, That right of election for *Abingdon*, in *Berkshire*, is in inhabitants paying scot and lot, and not receiving alms or any † charity.

* Resolved, that persons living in Borough by certificate, not having gained a settlement, by renting 10*l.* a-year, or serving an annual office, are not intitled, by paying scot and lot to vote. Dougl. 237.

† Charity signifies money arising from revenues of specific funds established or bequeathed for assisting the poor. 2 Dougl. 370.

December

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December 21, 1708.

Resolved, That the right of election for *Whitechurch*, in *Southamptonshire*, is in the Freeholders only of lands or tenements, in right of themselves, or their wives, not split since Stat. 7 & 8 W. III. c. 4.

December 2, 1708.

Resolved *, That right † of election for *Reading*, in *Berkshire*, is in the Freemen and † inhabitants; such Freemen not receiving alms, and such inhabitants paying scot and lot. Resolved ‡, December 4, 1728, That such persons as have, within two years last, received *Kendrick's* charity, or any other annual charity distributed in Borough, have not a right to vote.

February 9, 24, 1709.

Resolved, That right of election for Town of *Cambridge*, is in the Mayor, Bailiffs, and Freemen not receiving alms.

February 18, 1709.

Resolved, That right of election for *Beaumaris*, in *Anglesey*, is in the Mayor, Bailiffs, and capital Burgesses of the said Borough only.

December 15, 1709.

Resolved, That right of election for *Wallingford*, in *Berkshire*, is in Mayor, Aldermen, Bailiffs, and eighteen assistants, together with the inhabitants of

* 2 Dougl. 105.

† In inhabitants only, paying scot and lot. So resolved, May 30, 1716.

‡ 2 Dougl. 105.

the

the said Borough paying scot and lot, and not receiving alms or charity.

December 20, 1709.

Resolved, That right of electing Burgesſes for *Shrewsbury*, in *Shropſhire*, is only in the Burgesſes inhabiting within the ſaid Borough, or in the ſuburbs thereof, paying ſcot and lot, and not receiving alms or charity. Resolved, *May 27, 1714*, to be in the Mayor, Aldermen, and Burgesſes of the ſaid Borough only. In Burgesſes inhabiting in Borough, or in the ſuburbs thereof, paying ſcot and lot, and not receiving alms or charity. So resolved, *April 9, 1723*. 1 Dougl. 463, 464.

Resolved, *April 9, 1723*, That the whole pariſhes of *St. Chad*, *St. Mary*, *St. Alkmond*, *St. Julian*, the *Holy Croſs*, and *St. Giles*, and the ſeveral villſ of *Hadnall*, *Acton-Reynold*, *Meriden*, *Hanwood*, *Grinſell*, *Ollerton*, *Onſlow*, *Prefſon*, *Gubald*, *Pimley*, and *Merival*, are not within the Borough of *Shrewsbury*, or the ſuburbs thereof; nor the ſeveral villſ of *Biſton*, *Betton*, *Alkmear*, *Lengwar*, *Calcot*, *Whitley*, *Whelback*, *Upper and Lower Roſſal*, *Shelton*, *Oxon*, *Woodcot*, *Horton*, *Munkmeal*, and *Goſſehill*, in the pariſh of *St. Chad's*; *Great and Little Berawick*, *Almond-Park*, *Newton*, *Albright-Huſley*, *Cotton Hill*, *Leaton*, *Aſley*, *Merrington*, *Wollaſcot*, *Sanſaw*, and *Clive*, in the pariſh of *St. Mary*; *Hencot*, *Albright-Lee*, *Prefſon-Moniſford*, *Dintle*, and *Arleſcot*, in the pariſh of *St. Alkmond*; and *Pully* and *Shelton*, in the pariſh of *St. Julian*; nor the pariſh of *Holy Croſs* and *St. Giles*.

Resolved, That right of election for *Lestwithiel*, in *Cornwall*, is in the Mayor and fix capital Burgesſes, together with the ſeventeen Aſſiſtants annually choſen, and who had a Right to vote at the preceding election of a Mayor.

Decem-

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December 23, 1709.

Resolved *, That right of election for *Aldborough*, in *Suffolk*, is in Bailiffs, Burgesses, and Freemen not receiving alms.

January 11, 1710.

Resolved, That right of election for *Grantham*, in the County of *Lincoln*, is in the Freemen of the said Borough not receiving alms or charity.

January 17, 1710.

Resolved, That office of Governor of *Tinmouth Port*, vacates seat.

January 27, 1710.

Resolved, That it is the opinion of this Committee, that the right of election of Barons to serve in Parliament for the Town and Port of *Hythe*, in the County of *Kent*, is in the Mayor, Jurats, Common-Council, and Freemen.

February 3, 1710.

Resolved †, That right of election for *Honiton*, in *Devonshire*, is in the † inhabitants of the said Borough paying scot and lot only.

Resolved, That right of election for *Ipswich*, in *Suffolk*, is in the Bailiffs, § Portmen, and Common-Council-men, and Freemen at large not receiving alms.

* 1 Dougl. 326. last determination. 1 Dougl. 328.

† 3 Dougl. 78.

‡ In the inhabitants, house-keepers within the said Borough, commonly called 'Potwallers,' not receiving alms of the parish. So resolved, Dec. 18, 1724.

§ Portmen are an essential constituent part of the Great Court for making Freemen, without some of which Portmen being present, the said Court cannot be held. So resolved, March 31, and April 1, 1714.

February 9, 1710.

Resolved, That office of Commissioner of *Admiralty* vacates seat.

February 12, 1710.

And of Governor of *Greenwich* Hospital does not.

Feb. 13, 1710.

Resolved, That *Homer Maxwell*, J. G. R. G. L. G. G. of G. and J. B. who were enfeofft of estate, redeemable upon paying a rose-noble, had not a right to vote in the election of a Commissioner for the Shire of *Dumfries*. Resolved, February 22, 1710, That husband of apparent heiress, not enfeofft, has no right to vote in election of Commissioner for the Shire of *Dumfries*.

February 24, 1710.

Resolved, That right of election for *Oakhampton*, in *Devenshire*, is in the Freeholders and Freemen, being made free according to the charter and bye-laws of the said Borough.

December 22, 1710.

Resolved, That right of election for *Calne*, in *Wiltshire*, is in the inhabitants of the said Borough having a right of common, and being sworn at *Ogborn-Court*. Is * in the ancient Burgesses of the said Borough only. Is † in the Guild-stewards of the said Borough.

December 23, 1710.

Resolved, That office of Woodward of *New Forest* vacates seat.

* So resolved, Feb. 25, 1723.

† So resolved, Feb. 25, 1723.

Feb.

February 11, 1711.

Agreed, that right of election for the Cinque Port of *Winchelsea*, in *Suffex*, is in Mayor, Jurats, and Freemen.

February 23, 1711.

Agreed, That right of election for City of *Carlisle*, in *Cumberland*, is in Mayor, Aldermen, Bailiffs, or Freemen, resident and not resident; and also, that sons of Burgesses born after their fathers freedom, and persons serving seven years within the City, have right to be made free.

Resolved *, That Mayor and Burgesses of ancient Borough of *Wiston*, in *Pembrokeshire*, have a right to vote for *Pembroke*.

April 20, 1711.

Resolved, That hereditary offices of Inspector and Searcher of all prohibited and uncustomed goods, and Keeper of cockets, in Ports of *Ely* and *Anstruther* in *North-Britain*, vacate seat.

March 16, 1714.

Resolved, That right of election for *New Woodstock*, in *Oxfordshire*, is in Mayor, Aldermen, and Freemen of said Borough.

April 6, 1714.

Resolved, That right of election for *Harwich*, in *Essex*, is in the Mayor, Aldermen, and capital Burgesses, or Headborough resident therein.

April 24, 1714.

Resolved, That right of election for *Brackley*, in

* Dougl. 335, 336.

L

Northamp.

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Northamptonshire, is in the Mayor, Aldermen, and Burgeses of the said Borough.

April 27, 1714.

Resolved, That right of election for *Bury St. Edmunds*, in *Suffolk*, is in the Aldermen, twelve capital Burgeses, and twenty-four Burgeses of the Common Council of the said Borough.

March 24, 1715.

Resolved, That the office of Master of the Jewel-Office vacates seat.

May 20, 1715.

Resolved, That right of election for *Malden*, in *Essex*, is in such Freemen as do not receive alms, and are intitled to Freedom by birth, marriage, or servitude; and that such persons deriving their right to Freedom from Honorary Freemen, and claiming their Freedom by purchase, and exercising trades within the Borough, have not a right to vote.

June 16, 1715.

Resolved, That right of election for *Horsbaw*, in *Sussex*, is in all such persons as have an estate of inheritance, or for life, in Burgage-houses or Burgage-lands lying within the said Borough.

July 4, 1715.

Resolved, That proceeding of the Mayor and Common-Council of the Town of *Haverford-West*, in *Pembrokeshire*, in making Burgeses without the consent of the Commonalty, was illegal, and contrary to the rights of the said Town, and that the Burgeses so pretended to be made, have not thereby acquired any right of voting in Elections.

July

RESOLUTIONS OF THE COMMONS.

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July 4, 1715.

Resolved, That office of Secretary of *Barbadoes* vacates seat.

July 7, 1715.

And of Envoy to the Court of *Vienna*.

July 28, 1715.

Resolved, That the right † of election for the Borough of *Taunton, Somersetshire*, is in Inhabitants within the said Borough being † Potwallers, and not receiving alms or charity.

June 15, 1716.

Resolved, That the office of Commissioner of Revenue in *Ireland*, vacates seat.

June 26, 1716.

And of Governor of *Jamaica*.

February 24, 1717.

Resolved, That right of election for *Minehead*, in *Somersetshire*, is in the Parishioners of *Minehead* and *Dunster*, being Housekeepers in the Borough, and not receiving alms.

March 20, 1717.

Resolved, That office of Master of *Greenwich Hospital* for life, vacates seat.

† This is the last determination of right of election in this Borough. 1 Dougl. 369.

† It was agreed, That to be a Potwaller qualified to vote in *Taunton*, it has always been understood, both before and since the above determination, that such person must have a legal parochial settlement in the Borough; and it was questioned, whether apprentices could be Potwallers qualified to vote, though recognized by Journals of House? See 1 Dougl.

RESOLUTIONS OF THE COMMONS.

March 30, 1717.

Resolved, That office of chief Keeper of Ordnance, Munition, and Stores, vacates seat.

May 13, 1717.

Resolved, That right of election for *Marlborough*, in *Wiltshire*, is in the Mayor and Burgesses of the said Borough only.

June 18, 1717.

Resolved, That office of Chancellor of Duchy of *Lancaster* for life, vacates seat.

November 25, 1717.

And of Surveyor and Auditor-General of Revenues in *America*.

December 2, 1717.

And of Bookseller, Bookbinder, and Stationer to his Majesty.

December 7, 1717.

And of Garter principal King at Arms.

May 18, 1720.

Resolved §, That right of election for *Dorchester*, in *Dorsetshire*, is in Inhabitants of said || Borough paying to church and poor in respect of their *personal* estates; and in such persons as pay to church and poor in respect of their *real* estates, within the said Borough, though † not Inhabitants or Occupiers.

§ 1 Dougl. 348.

|| Resolved, 17 May, 1720, That that part of the Parish called the Holy Trinity, alias *Dorchester Trinitatis*, which was formerly the parish of *Froom Whitfield*, is no part of the Borough; nor the tything of *Collington-Row* within the said Parish.

† So resolved, 22 Feb. 1775. 1 Dougl. 356.

April

RESOLUTIONS OF THE COMMONS.

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April 3, 1721.

Resolved, That the office of Governor of *Kingston upon Hull* vacates seat.

June 6, 1721.

Resolved, That right of election for † *Bereafston*, in *Devonshire*, is in the Freehold Tenants holding by Burgage-Tenure, and paying three-pence *per Annum*, or more ancient Burgage-Rent to the Lord, and in them only.

February 25, 1722.

Resolved, That right of electing a Commissioner to serve in Parliament for the Shire of *Sutherland*, is in the Heritors, Feuars, Wadsetters, and Life-renters, possessed of lands in the said Shire, whether holding of the Crown, or of a Subject.

November 27, 1722.

Resolved, *nem. con.* that right of election for *Stafford*, in *Staffordshire*, is in the Mayor, Aldermen, and † Burgesses resident within the Borough.

March 17, 1723.

Resolved, That right of election for *Dunbeved*, alias *Launceston*, in *Cornwall*, is in Mayor & Aldermen,

† See Dougl. 284.

† Sons of Burgesses and those who have served apprentices seven years in *Stafford*, have a right (upon demand) to be made Burgesses. So resolved, 25 Jan, 1719. Persons made Burgesses, not being sons of Burgesses, or not having served seven years apprenticeship within said Borough, have no right to vote. So resolved, 4 Feb. 1724-5. † Dougl. 212, 213.

§ Resolved, March 24, 1734, that Aldermen be elected out of legal freemen only.

and Freemen, being Inhabitants at the time they were made free, and not receiving pay of the Parish.

Resolved, That the office of Governor of Kingston
March 22, 1723.

Resolved, That right of election for *Bletchingley*, in *Surrey*, is in the Borough-holders, without the Bailiff.

January 23, 1724.

Resolved, *nem. con.* That any conveyance of undivided shares of the superiority of any lands in the Shire of *Dumbarton*, in order to multiply votes, or split an interest in such superiority amongst several persons, with a view to enable them to vote, is contrary to the Act of Parliament made in *Scotland*, in one thousand six hundred and eighty-one, entitled, *An Act concerning the election of Commissioners for Shires*; and that no person claiming a right by purchase to an undivided part of the superiority of any lands where the extent of the lands of which he claims the superiority, is not particularly specified, and the land distinguished by the charter by which he claims a vote, has any right to vote in the election of a Commissioner to serve in Parliament for the Shire of *Dumbarton*.

May 28, 1724.

Resolved, That all Members of Colleges, Halls, or Corporations, having no freeholds, saving in right thereof; and Parsons and Vicars, having no other freeholds but glebe lands; are excluded from voting for Members to serve in Parliament for the County of *Cambridge*.

1725.

Declared by the Legislature, That the right of election for *London* is in the Freemen and Liverymen of the

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the City, who have so been for the space of twelve calendar months next preceding the * election.

April 16, 1725.

Granted, That right of election for *Leominster*, in *Herefordshire*, was in the Bailiffs, capital Burgesses, and Inhabitants paying scot and lot.

March 9, 1727.

Resolved, That office of Baron of *Exchequer* in † *Scotland* vacates seat.

Resolved, That right of election for *Richmond*, in *Yorkshire*, is in such persons only as are owners of ancient Burgages in the said Borough, having a right of pasture in a common field called *Whitecliffe Pasture*.

March 19, 1727.

Resolved, That right of election for *Carmarthen* is in the Burgesses of the said Borough. Resolved, March 8, 1770, That persons, though admitted Burgesses of County Borough of *Carmarthen*, and enjoying and exercising their right as Burgesses for twenty years and upwards, preceding the last election, had no right to vote; as, during the greatest part of that time, the validity of the bye-law under which they were admitted, was in litigation, though in causes to which the said twenty persons were no parties. 2 Dougl. 43.

May 9, 1727.

Resolved, † That right of election for *Petersfield*, in *Southamptonshire*, is in Freeholders of land, or ancient

* See Liverymen's oath in Stat. 21 Geo. I. chap. 18. sect. 1.

† See 1 Dougl. 446.

‡ 3 Dougl. 6.

dwelling-houses, or shambles, built upon ancient foundations within the borough.

April 12, 1728.

Resolved *, That right of election for *Hindon*, in *Wiltshire*, is in inhabitants of houses within the Borough, being house-keepers and parishioners.

April 16, 1728.

Resolved, That right of election for Shire-town of *Montgomery*, is in the Burgesses of the said Shire-town only.

May 21, 1728.

Resolved ‡, That right of election for Town of *Flint*, in *Flintshire*, is in the † inhabitants of the Boroughs of *Flint*, *Rhydland*, *Overton*, *Caerwys*, *Caergurley*, paying scot and lot. Resolved, That the inhabitants of *Knolton* and *Overton Foreign*, paying † scot and lot in the Parish of *Overton*, have a right to vote.

March 5, 1729—30.

Right of election for *Liverpool*, in Palatinate of *Lancaster*, agreed by Counsel on both sides, to be in the Mayor, Bailiffs, and Freemen of the said Borough not receiving alms.

March 26, 1729.

Resolved, That right of election for *Great Bedwin*, in *Wiltshire*, is in the Freeholders and Inhabitants of ancient burgage messuages.

* This was last determination of right of election. Dougl. 173.

† See 1 Dougl. 337.

‡ Quære resolution of March 19, 1741.

§ Renting lands or tenements, for which landlords thereof only pay scot and lot. So resolved, April 5, 1737.

April

RESOLUTIONS OF THE COMMONS. 153

April 17, 1729.

Resolved, That right of admitting Burgesses of *Queenborough*, in *Kent*, is in the Mayor, Jurats, and Bailiffs of the said Borough only.

April 22, 1729.

Resolved, That right of election for *Newtowne*, in the Isle of *Wight*, is in the Mayor and Burgesses of the said Borough having Borough-lands within the said Borough.

May 7, 1730.

Resolved, That the right of election for *Cardigan*, in *Cardiganshire*, is not in the Burgesses of the Borough of *Tregaron*, but in the Burgesses at large of the Boroughs of *Cardigan*, *Aberystwith*, *Lampeter*, and *Aptar* only.

Agreed, That right of election for * *Weymouth* and *Melcombe* † *Regis*, in *Dorsetshire*, is in Mayor, Aldermen, Bailiffs, and capital Burgesses, and in persons seised of ‡ freeholds within the Borough, and not receiving alms.

May 11, 1733.

Resolved, That right of election of a Præses and Clerk, is in such persons as stand upon the roll last made up by the Freeholders at the *Michaelmas* Head Court, or at the last election of a Member to serve in Parliament.

June 9, 1733.

Resolved, That office of Governor or Lieutenant-Governor of any Fort, Citadel, or Garrison, upon mi-

* See 1 Dougl. 214.

† This Borough sends four Members, it having been two Boroughs formerly. Law of Elections, 341.

‡ See 2 Dougl. 328.

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litary establishment of Guards and Garrisons in *Great-Britain*, does not vacate seat.

June 13, 1733.

Resolved, That office of Groom of Bed-chamber vacates seat.

February 11, 1734.

And of Commissioner of Customs.

February 16, 1735.

And of Receiver of Compositions in office of Aliens.

April 3, 1735.

Resolved, That office of King's Counsel vacates seat.

May 8, 1735.

Resolved, That right of election for *Lewes*, in *Sussex*, is in the Inhabitants, being Householders, paying scot and lot.

May 9, 1735.

Resolved, That office of Secretary at War vacates seat.

May 15, 1735.

And of *Welsh* Judges, and of Commissioners of Stores and Provisions at *Minorea* and *Gibraltar*.

February 1, 1735-6.

And of Attorney-General.

February 28, 1735-6.

And of Supervisor of Quarries in *Portland*, *Devonshire*.

March

RESOLUTIONS OF THE COMMONS. 355

March 8, 1735-6.

Resolved, * That the right of election for *Stamford* in *Lincolnshire*, is in the inhabitants paying scot and lot, and not receiving alms or public charities.

March 9, 1735-6.

Resolved, That persons whose freeholds lie within that part of the County of the City of *York* which is commonly called the *Aynsty*, have a right to vote.

March 22, 1735-6.

Resolved, That office of Commissioner of Stamp Duties vacates seat.

March 29, 1736.

And of Treasurer of *Greenwich* Hospital.

April 21, 1736.

Resolved, That the right of election for *Scarborough*, in *Yorkshire*, is in the Common-House, or Common-Council of the said Borough, consisting of two Bailiffs, two Coroners, four Chamberlains, and thirty-six Burgesses only.

May 19, 1736.

Resolved, That office of Commissioner of *Treasury*, vacates seat.

February 1, 1738.

And of Chief Justice of *Chester*.

February 14, 1737.

And of Governor of *Barbadoes*.

3 Dougl. 86.

June

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June 17, 1737.

Resolved, That office of Surveyor General of Works vacates seat.

June 20, 1737.

And of Master and Worker of *Mint*; of Commissioner of Trade and Plantations; of Equerry; and of Master of Buck Hounds.

June 21, 1737.

And of Lord President of the College of Justice in *Scotland*; of his Majesty's Advocate there; and of Senator of that College.

May 9, 1738.

And of Commissioner of Navy.

May 16, 1738.

And of Commissioner for victualling Navy; of Surveyor of Gardens; and of Clerk Comptroller of Household.

May 17, 1738.

And of Paymaster of Board of Works.

December 4, 1739.

And of Paymaster of Marine Regiments.

January 24, 1739-40.

And of Auditor of Imprests,

February 20, 1739-40.

But acceptance of salary under sign manual, as Secretary to Court of Assistants for relief of poor Widows of Commission and Warrant offices of Navy, established by commission under Great Seal, does not.

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December 18, 1740.

Resolved, That office of Clerk of Ordnance vacates seat.

April 23, 1740.

And of Vice-chamberlain of Household.

November 25, 1740.

And of Steward of Lordships and Manors in *Derbyshire*.

January 18, 1741.

And of Head Steward of Honor of *Oxford*, in *Kent*.

January 26, 1741.

And of Commissioner for licencing Hawkers and Pedlars.

March 1, 1741.

And of Commissioner of foreign accounts and imports in *Ireland*; and of Lieutenant-general of Ordnance; being offices in Army.

July 13, 1742.

And of Superintendant of Boundaries; and of Commissary-General of Musters.

July 15, 1742.

And of Surveyor-General of Works on North and South side river *Trent*.

April 20, 1743.

And of Master of Works in *Scotland*.

December 1, 1743.

And of Groom-Porter.

December

158 RESOLUTIONS OF THE COMMONS.

December 22, 1743.

Resolved, that office of Receiver-general and Collector of revenues in *Minorca*, vacates seat.

February 7, 1743-4.

Resolved †, That the right of election of a Burgess to serve in Parliament for the Borough of *Denbigh*, in the county of *Denbigh*, is in the Burgesses, inhabitants of the Boroughs of *Denbigh*, *Ruthyn*, and *Hou*, respectively.

April 30, 1745.

Resolved, That office of Receiver of casual revenue in *Barbadoes*, vacates seat.

April 3, 1746.

Resolved, That right of election for *Hedon*, in *Yorkshire*, is in the Burgesses of the said Borough.

December 2, 1757.

Resolved, That office of Avenor and Clerk Marshal vacates seat.

January 23, 1758.

And of Steward or Bailiff of Three *Chiltern* Hundreds, in *Buckinghamshire*.

January 28, 1758.

And of Clerk of the Pipe.

June 19, 1758.

And of Clerk of Deliveries and Deliverance of all Ordnance of Artillery, Munition, and Necessaries appertaining to Ordnance-Office.

† Dougl. 323.

* This office in Exchequer of Scotland does not vacate seat. See 2 Dougl. 424, 172.

January

RESOLUTIONS OF THE COMMONS. 199

January 19, 1759.

Resolved, That office of Superintendant or Director of Forage, Provisions, Necessaries, and Extraordinaries for combined armies, under command of Prince *Ferdinand of Brunswick*, vacates seat.

November 15, 1759.

And of Baron of *Exchequer*.

November 22, 1759.

And of Captain of Foot in Army.

December 3, 1759.

And of Lieutenant-Colonel in Army.

December 7, 1759.

And of Surveyor of Petty Customs and Subsidies in Port of *London*.

December 19, 1759.

And of Vice-Treasurer, Receiver, and Paymaster-General of all the Revenues in *Ireland*; and of Master of Rolls in that kingdom.

January 9, 1760.

And of Keeper of Private Roads, Gates and Bridges, and Conductor and Guide of his Majesty in all Royal Progresses.

March 31, 1760.

And of Steward of Manor of *Old Shereham*, in *Suffex*.

November 8, 1761.

And of Cofferer of Household.

January

160 RESOLUTIONS OF THE COMMONS.

January 23, 1762.

Resolved, That office of Lord Chief Justice of the Common Pleas, and of Solicitor General, vacates seat.

February 3, 1762.

And of Chamberlain of *Exchequer*.

February 19, 1762.

And of Conservator of Privileges of *Scots* nation in *Netherlands*, and Resident there for affairs of *Scotland*.

April 19, 1762.

And of Governor of *Gibraltar*.

May 11, 1762.

Resolved *, That the 215 persons made or pretended to be made free of the City of *Durham*, since the death of *Henry Lambton*, Esq; late Member, had not a right to vote.

June 2, 1762.

Resolved; That office of principal Secretary of State; of Treasurer of Navy; of the Chamber; of Treasurer and Paymaster of Ordnance; vacates seat.

November 25, 1762.

And of Writer of Tallies and Counter Tallies, and of Clerk of Pells, in receipt of *Exchequer* in *Ireland*.

December 20, 1762.

And of Commissioner of Taxes, of Excise, of Out-ranger of *Windsor* Forest, and Surveyor of Gardens and Waters.

April 12, 1763.

And of Governor of Isle of *Wight*.

* 1 Dougl. 238.

April

RESOLUTIONS OF THE COMMONS. 161

April 18, 1763.

Resolved, That office of Chanceller of *Exchequer* in *Ireland*, and of Keeper of Privy Seal in *Scotland*, vacates seat.

November 13, 1763.

And of Paymaster of Annual Bounties and Pensions, and of Steward of Manor of *East Hundred*, in *Berkshire*.

December 13, 1763.

And of Governor of *Sirling Castle*.

December 16, 1763.

And of Master of Revels, in *Scotland*.

January 10, 1765.

And of Master of the Rolls, and of Secretary of *Jamaica*.

May 6, 1765.

And of Secretary to Order of *Thistle*.

May 22, 1765.

And of Receiver and Cashier of *Excise*, in *Scotland*.

May 24, 1765.

And of Paymaster-General of Land Forces.

December 17, 1765.

And of Steward of Manor of *Shippois*, in *Berkshire*.

December 20, 1765.

And of Governor of *South Carolina*.

March 7, 1766.

And of Patent Clerk of Wardrobe.

M

March

162 RESOLUTIONS OF THE COMMONS.

March 26, 1766.

Resolved. That office of Warden of *Mint*, vacates
seat.

March 27, 1766.

And of Governor of *Minorca*.

April 28, 1766.

And of Lord Chief Justice Clerk, in *Scotland*.

November 11, 1766.

And of Justice of *King's Bench*.

November 12, 1766.

And of Governor of *Nova Scotia*.

November 20, 1766.

And of Treasurer of Household.

February 4, 1769.

And of Chief Justice in *Eyre*.

May 1, 1769.

And of Surveyor-General of Land Forces.

May 9, 1769.

And of Barrack Master General, in *Scotland*.

January 25, 1770.

And of Lord Chancellor.

December 19, 1770.

And of Post-Master General.

December 21, 1770.

And of Commissioner of Police, in *Scotland*.

January 22, 1771.

And of Master of Household.

January

RESOLUTIONS OF THE COMMONS. 153

January 24, 1771.

Resolved, That office of King's Remembrancer of Exchequer, in Scotland, vacates seat.

January 25, 1771.

And of Justice of Common Pleas.

May 8, 1771.

And of Governor of *Leeward* Islands.

1771.

Declared by the † Legislature, That right of election for *New Shoreham*, in *Sussex*, is in such Freeholders, and in persons who, by custom and usage of said Borough, have such right (except persons excepted by Act).

January 29, 1772.

Resolved, That office of Secretary for *Leeward* Islands, vacates seat.

February 4, 1775.

The right of voting for *Downton*, in *Hampshire*, was considered † by the Counsel on both sides, in their arguments, to be in persons having a freehold interest in burgage tenements holden by a certain rent, fealty, and suit of Court, of the Bishop of *Winchester*, who is Lord of the Borough, and paying reliefs on descent, and fines on alienation.

February 11, 1775.

It || seemed to be taken for § granted on both sides, that right of election for city of *Bristol*, in *Somersetshire*, is in Freeholders having freeholds of 40s- a year, and the free Burgesses.

* See 2 Dougl. 388.

† By Stat. 11 Geo. III. chap. 55. sect. 3.

‡ There is no determination, 1 Dougl. 208.

|| See 1 Dougl. 260.

§ There is no determination of such right. Id. ib.

May

May 3, 1775.

Resolved, That office of Clerk of Pipe in *Exchequer* in *Scotland*, does not * vacate seat.

May 24, 1775.

But of Chief Baron of *Exchequer*, in *Scotland*, does.

November 22, 1775.

And of Surveyor-General of Land Revenue.

November 29, 1775.

Resolved †, by the Committee, That persons whose admissions were entered on † stamps, before § they voted, but after the poll began, were not, on that account, disqualified from voting at the last Election.

Resolved **, That persons whose admissions were stamped within twelve calendar months before the Election, were legal voters within the meaning of the Act of 3 Geo. III. c. 15.

February 1, 1776.

Agreed || by consent on both sides, That every Member of Corporation had right to vote in the election for *Derby*, in *Derbyshire*.

March 27, 1777.

And of Puisne Baron of *Exchequer*, in *Scotland*.

November 25, 1777.

Resolved, That office of Lord Chief Baron of *Exchequer* vacates seat.

June 3, 1778.

And of Lord Warden of Cin ue Ports.

* See 2 Dougl. 450, 451.

† 3 Dougl. See Id. 207.

‡ This resolution goes merely to the legality of stamping the admission during the Poll, before the Voters had polled. Id. 208.

§ Id. 233.

** Id. 235. See Id. 215, 220, 226.

|| There is no determination. 3 Dougl. 294.

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